HISTORY OF CONSUMER MOVEMENT IN TIRUNELVELI DISTRICT

Thesis Submitted to
Manonmaniam Sundaranar University
In Partial Fulfilment of the Requirements for the
Award of the Degree of

DOCTOR OF PHILOSOPHY IN HISTORY

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CERTIFICATE

This thesis entitled "HISTORY OF CONSUMER MOVEMENT IN TIRUNELVELI DISTRICT " submitted by P.Daniel Augustus Prabakar, Reg. No.4173 for the award of Degree of Doctor of Philosophy in History of Manonmaniam Sundaranar University, is a record of bonafide research work done by him and it has not been submitted for the award of any degree, diploma, associateship, fellowship of any University or Institution.

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DECLARATION

I declare that this thesis entitled, "HISTORY OF CONSUMER MOVEMENT IN TIRUNELVELI DISTRICT" submitted by me for the Degree of Doctor of Philosophy in History is the result of my original and independent research work carried out under the guidance of Dr. B.Maria John, Professor and Head, Department of History, Manonmaniam Sundaranar University, Tirunelveli and it has not been submitted for the award of any degree, diploma, associateship, fellowship of any University or Institution.

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CONTENTS

LIST OF ABBREVIATIONS

AIEI	Association of Indian Engineering Industry
ASCI	Advertising Standards Council of India
ASSOCHAM	Associated Chambers of Commerce and Industry of India
BAI	Builders Association of India
BC	Before Christ
BEUC	Bureau European des Unions de Consommateurs
BIS	Bureau of Indian Standards
BSNL	Bharat Sanchar Nigam Limited
CA	United Kingdom Consumers Association
CAC	Consumer Advice Centre
CAG	Consumer Activist Group
CASE	Consumer Association of Singapore
CCC	Consumer Coordination Council
CCI	Competition Commission of India
CCS & CP	Commissioner of Civil Supplies & Consumer Protection
CD	Compact Disc
CEC	Commission of the European Communities
CFBP	Council for Fair Business Practices
CGSI	Consumers Guidance Society of India
CI	Consumers International
CIFTI	Confederation of Indian Food Trade and Industry
CONFET	Consumer Federation Tamilnadu
CPA	Consumer Protection Act
CPI	Community Party of India

DS & CPO	District Supply and Consumer Protection Officer
DVD	Digital Video Disk
ECPSA	European Consumer Product Safety Association
EEC	European Economic Community
ERICA	European Research into Consumer Affairs
EU	European Union
FEDCOT	Federation of Consumer Organisations in Tamilnadu & Pondicherry
FICCI	Federation of Indian Chamber of Commerce and Industry
FSO	Food Safety Commissionerate
G O	Government Order
GOI	Government of India
GTZ	Gessellschaft fur Technische Zusammenarbelt
HAI	Health Action International
HDI	Human Development Index
IAS	Indian Administrative Service
IBFAN	International Baby Food Action Network
ICA	International Co-operative Alliance
ICT	Information Communication Technology
IGCC	IRDA Grievance Cell
IGMS	Integrated Grievance Management System
IGNOU	Indira Gandhi National Open University
IIPA	Indian Institute of Public Administration
IPC	Indian Penal Code
IOCU	International organization of Consumer Unions
ISI	Indian Standards Institution

ISO	International Standards Organisations
IVRS	Interactive Voice Response System
LIC	Life Insurance Corporation
LPG	Liquid Petroleum Gas
MIT	Massachusetts Institute of Technology
MRP	Maximum Retail Price
MRTP	Monopolies and Restrictive Trade Practices
NABL	National Accreditation Board for Testing and Calibration of Laboratories
NCC	National Cadet Corps
NCDRC	National Consumer Disputes Redressel Commission
NCH	National Consumer Helpline
NGO	Non Governmental Organisations
NITS	National Institute of Training for Standardization
OEEC	Organisation for European Economic Co-operation
OECD	Organization for Economic Cooperation and Development
PAN	Pesticide Action Network
PDS	Public Distribution Sytem
PIL	Public Interest Litigation
SCDRC	State Consumer Disputes Redressel Commission
SCH	State Consumer Helpline
SHG	Self Help Group
SGA	Sale of Goods Act of 1930
STPB	Singapore Tourist Promotion Board
TACD	Transatlantic Consumer Dialogue
TANSSCOPE	Tamilnadu State Society for Consumer Protection and Empowerment

TBT	Technical Barriers to Trade
TNEB	Tamilnadu Electricity Board
TSO	Taluk Supply Officer
TV	Television
UFC	Union Fédéral des Consommateurs
UN	United Nations
UNCTAD	The United Nations Conference on Trade and Development
UNDESA	United Nations Department of Economic and Social Affairs
US	United States
VCO	Voluntary Consumer Organization
VOICE	Voluntary Organisation in the Interest of Consumer Education
WHO	World Health Organisation
WTO	World Trade Organization
WQI	Water Quality Index

CHAPTER I

FOUNDATIONS OF CONSUMER PROTECTION

IN TIRUNELVELI DISTRICT

Tirunelveli district is a microcosm of the state of Tamil Nadu, due to its mosaic and varied physical and geographical features including low plains and lofty mountains, dry Teri structures, cascades and rivers, thick inland forest and seacoast, fertile alluvium and sandy soils, a variety of fauna and flora and protected wild life. The Tirunelveli Sthalapuranam lays down a tradition for the origin of the name Tirunelveli. According to the Puranic version,[1] one Vedasarma, a staunch devotee of Lord Shiva, while on his pilgrimage from the North to the South, was invited by Lord Shiva in his dream to his abode on the banks of the sacred River Tamiraparani. The delighted devotee came to Sindupoondhurai on the banks of the river and stayed there with his family. Once, there was a famine which compelled Vedasarma to collect paddy by way of begging and continuing his daily prayers. One day, he spread out the paddy to dry under the Sun before the Lord, and went for his ablutions in Tamiraparani. He prayed to the Lord for rain which he thought could be a remedy for the famine. His prayer was answered and when he was bathing, a thunder storm broke-out and it rained heavily. Vedasarma rushed to the place where he had spread the paddy and to his utter surprise he saw that despite rain around the area, the paddy that he had spread did not get even a single drop of rain and did not get soaked. Since then, according to the Indian Puranas the place is called as `T iru-nel-veli` or sacred hedged paddy.

The Nellaiappar Temple, a well-known temple in Tamil Nadu, is located at Tirunelveli. The temple is rooted in tradition and history, and known for its musical pillars and other sculpted figures. [2] Sankaran kovil temple was built in the early part of the 11th century A.D .The temple at Sankarankoil depicts Hari and Hara as one God. There is a deity named *Sankara Narayanan*, which is formed of half Lord Shiva and half Lord Vishnu. There is another deity, named *Avudai ambal* or *Gomathi Ambal*, after whom the temple is named; it was built by Ukrama Pandiyan in

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[1] Caldwell, Robert, *Political and general history of the District of Tinnevelly in the Presidency of Madras, from the earliest period to its cession to the English Government in A.D. 1801,* Tinnevelly, *1881, p.59.*
[2] Ibid.,p.67.

900 AD. Sacred sand is available, which is believed to be curative. June is marked by the *Adi Thabasu* festival. About 13 kms from Thirunelveli is the Krishnapuram temple dedicated to Lord Vishnu. Here he is called Thiruvenkatanathar. The temple is known for the beautiful life-size sculptures carved with great intricacy and dedication by their creators. Apart from these, Palayamkottai city has several famous Hindu temples: The Gopalaswamy temple, and Siva Temple. Towns such as Tenkasi, Ambasamudram, Nanguneri, and Cheranmahadevi have very big temples. What is important in most of these temples in Tirunelveli district is that they were well planned with high fortress on all sides and well planned streets all around the temples. In fact the temple streets are much wider than the streets planned in the modern days. This should be viewed as part of a standardization process of city planning, which forms part of consumer protection.

Such measures of standardization were found to exist and they have their deep roots in the rich soil of Indian civilization, which dates back to 3200 B.C. The Indus Valley Civilization was a Bronze Age civilization (3300–1300 BC; mature period 2600–1900 BC) that was located in the northwestern region of the Indian Sub continent consisting of what is now mainly present-day Pakistan and North-West India. Flourishing around the Indus basin, the civilization extended East into the Ghaggar- Kakra River valley and the upper reaches Ganges- Yamuna Doab; it extended West to the Makran coast of Balochistan, North to North-eastern Afghanistan and South to Daimabad in Maharashtra. The civilization was spread over some 1,260,000 km², making it the largest known ancient civilization.[3]

The Indus Valley is one of the world's earliest urban civilizations, along with its contemporaries, Mesopotamia and Ancient Egypt. The Indus Valley Civilization is also known as the Harappan Civilization, which was located at Harappa. It was excavated in the 1920s in what was at the time the Punjab province of British India and now in Pakistan. Excavation of Harappan sites has been ongoing since 1920, with important breakthroughs occurring as recently as 1999. There were earlier and later cultures, often called Early Harappan and Late Harappan, in the same area of the Harappan Civilization. The Harappan civilisation is sometimes called the Mature Harappan culture to distinguish it from these cultures. Up to 1999, over 1,056 cities and

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[3] Singh, Upinder., *A History of Ancient and Early Medieval India: from the Stone Age to the 12th Century*, New Delhi,2008, pp. 13-17.

settlements have been found, out of which 96 have been excavated, mainly in the general region of the Indus and Ghaggar – Hakra river and its tributaries. Among the settlements were the major urban centres of Harappa, Lothal, Mohenjo-dare, Dholavira, Kalibanga, and Rakhigarhi.[4]

At its peak, the Indus Civilization had a population of well over five million. Inhabitants of the ancient Indus river valley developed new techniques in handicraft like carnelian products, seal carving and metallurgy such as copper, bronze, lead, and tin. The civilization is noted for its cities built of bricks, roadside drainage system, and multistoried houses. In fact one can see the process of standardization in the making of bricks of same length, breadth and height.[5] The streets too were broad and of equal breadth. All these indicate that this ancient civilization had already begun the process of standardization of the materials used and in the planning of their towns. Tirunelveli district also shared this process of standardization.

According to the 2011 census[6] Tirunelveli district has a population of 3,072,880, roughly equal to the nation of Oman or the US state of Iowa. The district has a population density of 458 inhabitants per square kilometre (1,190 /sq mi). Its population growth rate over the decade 2001-2011 was 13.66%. Tirunelveli has a sex ratio of 1024 females for every 1000 males, and a literacy of 82.92%. Tamil is the main language spoken followed by people here. Hindus formed the majority religious group of the population (79.76 percent), followed by Christians (10.89 percent), Muslims (9.26 percent) and other religions (0.09 percent).

Given the Hindu culture of consumers in Tirunelveli, it was observed that they were known for patience and tolerance.[7] Because of these traditional traits and due to the influence of Mahabaratha, Ramayana and Bhagavad Gita , the consumer considered the receipt of defective goods and services as an act of fate or unfavourable planetary position as per the horoscope. When a new television or refrigerator was purchased by him and if it turned out to be defective from day one, he took it patiently blaming it on his fate or consoles himself saying that was because of the wrongs committed by him in his previous birth. This way he yielded himself to

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[4] Ibid.
[5] Ibid.
[6] Government of India, 2011 Census of India.
[7] Basham, A. L., *The Wonder That Was India: A Survey of the Culture of the Indian Sub-Continent Before The Coming of the Muslims,* New York, 1954,pp.78-86.

be exploited and puts himself to lot of inconveniences; he accepted the financial loss in a passive manner and was not ready to take necessary remedial action. It was rather paradoxical that the consumer was depicted in advertisements as the king by the sellers and service provider but in actual practice he was treated as a slave or servant. He was also sold goods with a label saying goods once sold will never be received back under any circumstances. This unethical, illegal and unilateral declaration had to be viewed in the light of the practices in developed countries where seller declared that in case the customer was not satisfied with the product, he could bring that back within a month for either replacement or return of money. This indicated the level of consumer awareness in those countries. In ancient India, human values were cherished and ethical practices were considered of great importance. However, the rulers felt that the welfare of their subjects was the primary area of concern. They showed keen interest in regulating not only the social conditions but also the economic life of the people, establishing many trade restrictions to protect the interests of buyers.

In ancient Tirunelveli , all sections of society followed Dharma-sastras, which laid out social rules and norms, and served as the guiding principle governing human relations.[8] The principles of *Dharma* were derived from *Vedas*. *Vedas* were considered the words of God, and law was said to have divine origin which was transmitted to society through sages. Thus, *Vedas* were the primary sources of law in India. Many writers and commentators of the ancient period documented the living conditions of the people through their innovative and divine writings, including *Smriti* (tradition) and *sruti* (revelation), and also prescribed codes to guide the kings and rulers about the method of ruling the State and its subjects. Consumer protection was also a major concern in their writings. Among the *Dharmas*, the most authoritative texts are the *Manu Smriti* (800 B.C. to 600 B.C.), the *Yajnavalkya Smriti* (300 B.C. to 100 B.C), the *Narada Smriti* (100 A.D to 200 A.D.), the *Bruhaspati Smriti* (200A.D. to 400 A.D.) and the *Katyayana Smriti* (300 A.D. to 600 A.D). Among these, *Manu Smriti* was the most influential and the guiding light of the people of India. [9]

Manu Smriti described the social, political and economic conditions of ancient society.

[8] Manmatha Nath Mutt, *Dharma Shastras: The Hindu Law Codes*, Chaukhamba Amarabharati Prakashan, 1977, p.98.
[9] Flood, Gavin, *An Introduction to Hinduism*, Cambridge, 1996, pp.76-80.

Manu, the ancient law giver, also wrote about ethical trade practices. He prescribed a code of conduct to traders and specified punishments to those who committed certain crimes against buyers. For example, he referred to the problem of adulteration and said "one commodity mixed with another must not be sold (as pure), nor a bad one (as good) not less (than the property quantity or weight) nor anything that is at hand or that is concealed." The punishment "for adulterating unadulterated commodities and for breaking gems or for improperly boring (them)" was the least harsh. Severe punishment was prescribed for fraud in selling seed corn: "he who sells (for seed-corn that which is) not seed-corn, he who takes up seed (already sown) and he who destroys a boundary (mark) shall be punished by mutilation."[10] Interestingly, Manu also specified the rules of competency for parties to enter into a contract. He said "a contract made by a person intoxicated or insane or grievously disordered (by disease and so forth) or wholly dependent, by an infant or very aged man, or by an unauthorized (party) is invalid."

During the ancient period, the king had the power to confiscate the entire property of a trader in two instances: the first instance was when the king had a monopoly over the exported goods and the second instance was when the export of the goods was forbidden. There was also a mechanism to control prices and punish wrongdoers. The king fixed the rates for the purchase and sale of all marketable goods. Manu said that a man who behaved dishonestly to honest customers or cheated in his prices shall be fined in the first or in the middle most amercement. There was a process to inspect all weights and measures every six months, and the results of these inspections were duly noted. All these measures show how effective ancient society was in regulating the many wrongs of the market place. These measures also show how developed the system was in identifying the market strategies of traders. Thus, *Manu Smriti* effectively dealt with various consumer matters, many of which remain of great concern in modern legal systems.

Written subsequent to *Manu Smriti*, Kautilya's *Arthasastra* is considered to be a treatise and a prominent source, describing various theories of statecraft and the rights and duties of subjects in ancient society. By the end of the third century BC, most of North and a large part of south India was knit together in the first great Indian empire by Chandragupta Maurya. Though its primary concern was with matters of practical administration, consumer protection occupies a

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[10] Ibid.

prominent place in *Arthasastra*. It described the role of the State in regulating trade and its duty to prevent crimes against consumers. [11]

Between 400 and 300 B.C., there was a director of trade whose primary responsibility was to monitor the market situations.[12] Additionally, the director of trade was made responsible for fair trade practices. The director of trade was required to be conversant with the differences in the prices of commodities of high value and of low value and the popularity or unpopularity of goods of various kinds whether produced on land or in water whether they arrived along land-routes or water-routes, also should know about suitable times for resorting to dispersal or concentration, purchase or sale. The director of trade advised businessmen to avoid even a big profit that would be injurious to the subjects. He should not create a restriction as to time or the evil of a glut in the market in the case of commodities constantly in demand.

During this period, several measures were taken to maintain official standards of weights and measures. Kautilya observed that the superintendent of standardization should cause factories to be established for the manufacture of standard weights and measures.[13] He further said that the superintendent should cause a stamping of the weights and measures to be made every four months. The penalty for unstamped weights was twenty seven *panas* and a quarter. It was expected that traders should pay a stamping fee amounting to one *kakani* every day to the superintendent of standardization. According to Kautilya, the trade guilds were prohibited from taking recourse to black marketing and unfair trade practice. Severe punishments were prescribed for different types of cheating. For example, for cheating with false cowrie-shells, dice, leather straps, ivory-cubes or by sleight of hand, the punishment shall be cutting-off of one hand or a fine. The rights of the traders were also well protected. Kautilya had also said that on the subject of the return of an article purchased or payment of price thereof, there was fixed rule of time, after which an article could not be returned.

During Chandragupta’s period, in which Kautilya lived, good trade practices were prevalent. For example, goods could not be sold at the place of their origin, field or factory. They were to be carried to the appointed markets known as *panya sala* where the dealer had to declare

[11] *Ibid.*,pp.85-90.
[12] Ibid.
[13] Ibid.

particulars as to the quantity, quality and the prices of his goods which were examined and registered in the books. Every trader was required to take a license to sell. A trader from outside had to obtain permission. The superintendent of commerce fixed the whole-sale prices of goods as they entered the Customs House. He allowed a margin of profit to fix retail prices. Speculation and cornering to influence prices were prohibited. Thus, the State bore a heavy responsibility for protecting the public against unfair prices and fraudulent transactions. There were severe punishments for smuggling and adulteration of goods. For example, public health was guarded by punishing adulteration of food products of all kinds, including grains, oils, alkalies, salts, scents and medicines.

Also during Chandragupta's period, easy access to justice for all, including consumers, was considered of great importance.[14] The king was the central power to render justice. According to Kautilya, the king should look into the complaints of the people of the town and village in the second part of the day. The mobile and circuit courts worked at night, when necessity arose. They also must have worked on holidays in urgent matters. The king was required to pay full attention to the truth and he was primarily responsible for administering justice. Everyone could approach the king's court for justice. However, standing was strictly followed. The king only entertained cases if the aggrieved presented a valid complaint. The king was directed not to foster litigation by starting an action without a complainant, and moreover, the king was told that no complaint should be taken notice of when it proceeded from a person altogether unconnected with the person aggrieved. In addition to this, different set of courts were prevalent in ancient India. The court system during Kautilya's time was well organized. There were two different benches comprising judges and magistrates to try civil and criminal cases. In civil matters, the judges themselves were empowered to take cognizance of the cases of disadvantaged persons who could not approach the court, for example, the cases concerning ascetics, women, and minors, old, sick and helpless people. Thus, rendering justice was regarded as one of the essential duties of the rulers, and care was taken to ensure that justice was accessible to all. Indeed, this emphasis on justice for all remains a cornerstone of India's legal system.

[14] Radha Kumud Mookerji, *Chandragupta Maurya and His Times*, Delhi, 1988, pp.45-51.

In the medieval period, consumer protection continued to be of prime concern of the rulers. During the Muslim rule, a large number of units of weights were used in India. During the Sultanate period, the prices were determined according to the local conditions. During the rule of Alauddin Khilji, strict controls were established in the market place.[15] In those days, there was an unending supply of grain to the city and grain-carriers sold at prices fixed by the Sultan. There was a mechanism for price-enforcement in the market. Similarly, shop-keepers were punished for under weighing their goods.

Apart from the majority of people practicing Hinduism in Tirunelveli district, more than ten percentage are practicing Christianity. The origin of their beliefs and practices about consumer protection can be traced from their Holy Bible. Lot of evidences in this regard could be quoted from the religious scriptures such as Books of the old Testament in the Bible. Two Biblical references from the Book of Leviticus and the Book of Proverbs warned against the misuse of weights and measures. The Book of Leviticus is the third book of the Hebrew Bible, and the third of five books of the Torah or Pentateuch. This had a special reference to the Levites, the tribe from whom the priests were drawn. In addition to instructions for those priests, it also addressed the role and duties of the laity. It spoke about uncleanliness and its treatment in the areas such as unclean animals, uncleanness caused by childbirth, unclean diseases, cleansing of diseases, unclean discharges, purification of the tabernacle from uncleanness. It also spoke about prescriptions for practical holiness under the following themes : Rules for Sacrifice and food, Rules for sexual behavior, Rules about Neighbourliness, Rules about Grave crimes, Rules for priests, Rules for eating sacrifices, Rules for Festivals Rules for the tabernacle , Rules about blasphemy, Rules about sabbatical and Jubilee years , Exhortations to obey the law and curse. In this context, there was a reference about the code of conduct of all types of businessmen in the Chapter 11, verse 1. It admonished the business men to be honest, when they measure lengths, weights and amounts by using dry and honest liquid measures.[16]

According to the traditional view Leviticus was compiled by Moses, or that the material

[15] Farooqui, Salma Ahmed. *A Comprehensive History of Medieval India: From Twelfth to Mid-Eighteenth Century*, New Delhi.2011, p. 114.
[16] *The Holy Bible*, The Book of Leviticus, Chennai, 2000, p.153.

in it goes back to his time. However, internal clues suggest that it originated in post-exilic namely in the period after 538 BC. Jewish worship centred on reading or preaching and scholars are practically unanimous that the book had a long period of growth, that it includes some material of considerable antiquity, and that it reached its present form in the Persian Period (538–332 BC). Thus the consciousness about the welfare and protection of the consumers is found to exist among people as early as the post exilic period .

Solomon also called Jedidiah was, according to the Book of Kings, the Book of Chronicles and the Qur'an a king of Israel and the son of David The conventional dates of Solomon's reign are circa 970 to 931 BC. He is described as the third king of the United Monarchy, and the final king before the northern Kingdom of Israel and the southern Kingdom of Judah split. Following the split, his patrilineal descendants ruled over Judah alone. According to the Talmud, Solomon is one of the forty eight prophets. In the Qur'an, he is considered as a major prophet, known as Sulaiman, son of David. The Hebrew Bible credits Solomon as the builder of the First Temple in Jerusalem and portrays him as great in wisdom, wealth, and power, but ultimately as a king whose sin, including idolatry and turning away from Yahweh, leads to the kingdom's being torn into two during the reign of his son Rehoboam. Solomon is the subject of many other later references and legends.

One of the qualities most ascribed to Solomon is his wisdom. The book of 1 Kings recounts how Solomon prays for wisdom: "And the king went to Gibeon to sacrifice there; for that was the great high place: a thousand burnt offerings did Solomon offer upon that altar. In Gibeon the Lord appeared to Solomon in a dream by night: and God said, Ask what I shall give thee. And Solomon said, Thou hast shewed unto thy servant David my father great mercy, according as he walked before thee in truth, and in righteousness, and in uprightness of heart with thee; and thou hast kept for him this great kindness, that thou hast given him a son to sit on his throne, as it is this day. And now, O Lord my God, thou hast made thy servant king instead of David my father: and I am but a little child: I know not how to go out or come in. And thy servant is in the midst of thy people whom thou hast chosen, a great people that cannot be numbered nor counted for multitude. Give therefore thy servant an understanding heart to judge

thy people that I may discern between good and bad: for who is able to judge this thy so great a people?" (1 Kings 3:4-9)

"So God said to him, 'Since you have asked for this and not for long life or wealth for yourself, nor have asked for the death of your enemies but for discernment in administering justice, I will do what you have asked...'" (1 Kings 3:11-12) The Hebrew Bible also states that: "The whole world sought audience with Solomon to hear the wisdom God had put in his heart." (1 Kings 10:24). In one account, known as the Judgement of Solomon, two women came before Solomon to resolve a quarrel over which was the true mother of a baby. When Solomon suggested they should divide the living child in two with a sword, one woman said she would rather give up the child than see it killed. Solomon then declared the woman who showed compassion to be the true mother, and gave the baby to her.

Solomon was also noted as one of many authors of wisdom literature. The Wisdom of Solomon, along with the Book of Sirach, were the familiar personalities and the events of Israel's history combined with the wisdom tradition. Much of this literature, however, is attributed to Solomon. Solomon became a favorite author and contributor of different kinds of wisdom literature, including not only the collections of Proverbs, but also of Ecclesiastes and the Song of Solomon and the later apocryphal book the Wisdom of Solomon. Speaking from the point of view of God and consumer, Solomon had said the following words in the Book of Proverbs in chapter 11 verse 1. A false balance is abomination to the LORD: but a just weight his delight. [17]

The Talmud is a central text of Rabbinic Judaism, considered second to the Torah. It is also traditionally referred to as *Shas*, a Hebrew abbreviation of *shisha sedarim*, the "six orders" of the Oral Law of Judaism. The Talmud has two components: the Mishnah, the first written compendium of Judaism's Oral Law, and the Gemara , an elucidation of the Mishnah and related Tannaitic writings that often ventures onto other subjects and expounds broadly on the Hebrew Bible. The terms *Talmud* and *Gemara* are often used interchangeably. The whole Talmud consists of 63 tractates, and in standard print are over 6,200 pages long. It is written in Tannaitic Hebrew and Aramaic. The Talmud contains the opinions of thousands of rabbis on a variety of

[17] *Ibid.*, p.185.

subjects, including law, ethics, philosophy, customs, history, theology, lore and many other topics. The Talmud is the basis for all codes of rabbinic law and is much quoted in other rabbinic literature.

The gravity of misconduct in using false measures was emphatically expressed in the Talmud: "The punishment (*i.e.,* divine) for (false) measures is more rigorous than that for (marrying) forbidden relatives."[18] Moreover weights and measures were of particular concern to the sages because most transactions required their use, especially such necessities as grain, oil, and wine. Talmudic Law specified the type of weights to be employed, procedures of weighing, general merchant rules to be applied, and methods of enforcement. Similarly, regarding the provisions on fraud and merchantability in the Talmudic Law, Silverstein has further written: The doctrine of *caveat emptor* was almost totally rejected in Talmudic Law; the seller was obliged to inform the buyer of all defects. It was especially forbidden to deceive people by creating a false impression, *i.e.,* an intentional misrepresentation. Examples of such unfair surprise include a layer of oil placed on the top of a keg of wine, old produce mixed with new and wine diluted with water. Moreover, certain representations would simply imply a warranty which did not exist and were thus fraudulent, *e.g.* meat soaked in water to make it look fatter, entrails of an animal displayed in the store inflated to make them appear larger. Similarly utensils could not be painted to make them look newer, although an owner could improve the new ones by polishing, ironing, or beautifying them as he desired. Thus these scriptural references point out to the existence of the consumer consciousness to its existence several centuries ago.

Muslim Population in Tirunelveli District is about ten percent of the total population. They are settled in a concentrated manner in different places like Melapalayam, Kadayanallur, Tenkasi, Burkitmanagar, etc. Muslims run different business concerns like Jewellery, iron and steel, hotels, hospitals, Real Estate, constructions, shoe marts, etc. Muslims adhered to ethical standards, not only in business but also in all aspects of life. For them both business and ethics are very much interrelated. There is a reference to this point in the Qur'an: For you in the Messenger of Allah is a fine example to follow (Al-Ahzab 33:21). It is worthy stressing here that when Muslims stick to ethics in their daily lives, they will become good examples to emulate. Perhaps this helped to rectify some aspects of the distorted image about Islam. Thus they to

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[18] Jacob Neusner, Tzvee Zahavy and Others ,*The Talmud : An American Translation*, Atlanta, 1995, p.83.

some extent became worthy ambassadors of their religion. Prophet Muhammad was an ideal human being. He was the best teacher, preacher, and guide; the best statesman, lawgiver, judge, diplomat, negotiator of treaties, and military commander; the best family man, a good husband, a kind father, a good neighbour, and friend of his people. More than all these roles he was also a very honest and successful businessman.[19]

The Prophet was chosen by God to be His last prophet at the age of forty. Before that he was very much involved in business. He was born in Makkah, frequented by caravans from Syria in the north and Yemen in the south. The Prophet joined these caravans and that was how he travelled to Syria, Yemen, Bahrain, and many other places in Arabia. Some historians have also suggested that he probably traveled to Iraq and Ethiopia. From his early age, he was involved in commerce. He had a good reputation as a hardworking, truthful businessman. It was due to this reputation that Khadijah, a wealthy businesswoman, hired him to work for her business. Many people in Makkah had asked for her hand and worked for her, but they either cheated her or she was not satisfied with their work. Finally, she asked Muhammad who was not a prophet at that time to work for her. He made several business trips. She was impressed with his work as well as his impressive personality, they later got married. After marrying Khadijah, the Prophet took several business trips throughout parts of Arabia. Ancient Arabia used to have commercial fairs in almost all major towns and regions; it was probable that the Prophet visited some of these commercial fairs. After becoming a prophet, his business activities decreased, although he would occasionally participate in business transactions. His vast business experience helped him in dealing with people with great care. He often used to mention the names of people and tribes whom he met in his journeys. People were often amazed of his knowledge of people and their regions.

The Prophet emphasized that honesty and kind dealings with customers are the secrets of success in business. He said, “The truthful and honest merchant is associated with the Prophets, the upright and the martyrs” (Al-Tirmidhi). “God shows mercy to a person who is kindly when he sells, when he buys and when he makes a claim” (Al-Bukhari). The Prophet gave many teachings on business and economic issues, he covered almost every aspect of business and

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[19] Report of the Fourth Annual American Muslim Consumer Conference, *The New face of Muslim Consumers,* New Jersey, 2012, p.10.

economics. Here are only a few major principles of fair business dealings according to Islam. No fraud or deceit, the Prophet is reported to have said, " When a sale is held, say, "There's no cheating" (Al-Bukhari). Sellers were expected to avoid making too many oaths when selling merchandise. The Prophet is reported to have said, "Be careful of excessive oaths in a sale. Though it finds markets, it reduces abundance". Mutual consent is necessary. The Prophet is reported to have said, "The sale is complete when the two parties involved depart with mutual consent" (Al-Bukhari).[20]

He admonished the businessmen to be strict in regard to weights and measures. The Prophet is reported to have said, "When people cheat in weight and measures, their provision is cut off from them" (Al-Muwatta). He told the owners of measures and weights, "You have been entrusted with affairs over which some nations before you were destroyed" (Al-Tirmidhi). The Prophet forbade monopolies. "Whoever monopolizes is a sinner" (Abu Dawud). Free enterprise, the price of the commodities should not be fixed unless there is a situation of crisis or extreme necessity. Hoarding merchandise in order to increase the prices is forbidden. Transaction of haram items, such as intoxicants, are forbidden.

The Prophet's general advice to all people was, "What is lawful is clear and what is unlawful is clear, but between them are certain doubtful things which many people do not recognize. He who guards against the doubtful things keep his religion and his honour blameless, but he who falls into doubtful things falls into what is unlawful, just as a shepherd who pastures his flocks round a sanctuary will soon pasture them in it. Every king has a sanctuary, and God's sanctuary is the things he had declared unlawful" (Al-Bukhari).[21] Business people and their enterprise require to be reminded about their role and responsibilities. The following issues need special attention in the present scenario. Globalization meant that all people are considered to comprise of one family. All human beings should be treated with respect, equality, and fairness. Exploitation of one group by another should stop. There should not be any division among people because of their race, colour, nationality, gender, or faith. . The resources of the Earth are not only for us, we share this biosphere with other species, and so we take care not to waste or

[20] *Ibid.*, pp.12-15.
[21] Ibid.

destroy them. People should use the Earth's resources with great care and should remember that we have a duty to leave this world in a better condition for the posterity. Human beings are one family, although we have our differences. Diversity is natural and beautiful. We should try to understand other people's religions and cultures and we should be sensitive to their feelings and emotions. The universal golden rule states, "Like for others what you like for yourself." People should try to empower others and work to eradicate poverty, hunger, illiteracy, disease, and unsanitary conditions in order to live in peace and tranquility. Businesses should promote ethical standards in their enterprise, People involved in business should always be honest, truthful, and fulfil all promises and commitments. People must eliminate fraud and cut-throat competition. People should also promote more political freedom, open debates, participatory democracies.

Tirunelveli was known as Mudikonda Cholamandalam of the Imperial Cholas. The ancient history of Tamilnadu as depicted in different Tamil literatures speaks about, a number of descriptions about consumer welfare measures undertaken by rulers. Silappathikaram is a famous epic in Tamil written by a king turned into sage-poet Elango Adigal written in the second century B.C. In this epic, Kannaki, the heroine, described the greatness of the Emperor Sibi, who ruled the kingdom of Chola empire, one part of Tamilnadu. She praised him for his commitment to word and justice. She was also found to be praising another Emperor, Manu Neethi Cholan, who reigned the Chola country from Thiruvarur, for having implemented a novel system of notifying a grievance directly to the king , by ringing a bell kept in front of his palace.[22] He had a son by name Veethi Vidangan and one day he travelled by his car along the street. Then a male calf ran into his car by itself and died. The mother cow having come to know the sad demise and irreparable loss , went to the Palace of the King and struck the grievance bell with its horns. The king came out and was shocked to hear what had happened to the calf . He lamented describing the different types offences and crimes into sixty four categories. They included the consumer offence of adulteration of rice with stones. It shows how a consumer offence was viewed seriously by a king on par with murder. Without listening to the persuasions of his ministers, he drove his car on his own son in the same manner in which the calf died. Thus he rendered justice to the cow. The king was appreciated for the system of grievance bell and the way he had rendered justice even to an animal.

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[22] *The Hindu*, Tiruvarur in Religious History of Tamilnadu , dated 16 July 2010.

Pattinappalai is a Tamil poetic work in the Pathinenmaelkanakku anthology of Tamil literature, belonging to the Sangam period corresponding to between 100 BCE – 100 CE. *Pattinappaalai* is part of the Pattupattu collection, which is the oldest available collection of long poems in Tamil literature. *Pattinappaalai* contains 301 lines of poetry in the *akaval* meter. *Pattinappaalai* was written by the poet Urttirangannanar in praise of the Chola king Karikala. *Pattinappaalai* poems belong to the *Akam*, or subjective themes of love and human relationships and utilises the location of the story to sing praises of the ruler. *Pattinappaalai* contains vivid descriptions of the ancient Chola capital of Kaveripattinam (Puhar), which was located at the mouth of the river Kaveri. Food from Elam is imported to the Chola country at the port. The flourishing sea-trade and the antics of Yavanas, the merchants from ancient Greece and Rome, their living quarters, etc. are colourfully described by the poet. The realistic nature of these descriptions makes us wonder whether these to be eyewitness accounts rather than an imaginary account of a poet. It gives details about the goods that were imported and exported from the Puhar port, the professions which flourished in the port. Pattinappalai also gives an idealised description of the merchants plying their trade in Puhar (*Pattinappaalai* – II –199-212): They shunned murder, and put aside theft, pleased the gods by fire offerings, they regarded others rights as scrupulously as their own, *they took nothing more than what was due to them and never gave less than what was due from them*. Trading thus in many articles of merchandise, they enjoyed an ancient heritage of prosperity and lived in close proximity to one another.[23]

Apart from being called Mudikonda Cholamandalam of the Imperial Cholas, Tirunelveli was known as Thenpandiyanadu of the early Pandyas, Tirunelveli Seemai of the Nayaks, Tinnevelly district of the British East India Company and the British administration and Tirunelveli district of Independent India. On acquisition from the Nawabs of Arcot in 1801, the British named the place as Tinnevelly district though their headquarters was first placed in Palayamkottai the adjacent town, where the British had their military headquarters during their operations against the Palayakars. There are two reasons which may be attributed for naming it

[23] Pera M.Sayub Marai Kaayar, *Pattinappalai*, Chennai, 1995, pp.37-40.

after Tirunelveli. One is because, it was and is the chief town of the district and the other is that it was already called as Tirunelveli Seemai under the Nayaks and Nawabs.[24]

It was separated on the 20 October 1986.[25] The separated districts were known as Chidambaranar district and Nellai-Kattabomman district and later the name of the district was christened as Tirunelveli-Kattabomman district. By the decision of the Government of Tamil Nadu to name all the districts by the name of the headquarter town, Tirunelveli-Kattabomman district was named as Tirunelveli district and Chidambaranar district as Thoothukudi district.

The district is located in the southern part of Tamil Nadu. It is surrounded by Virudhunagar District in the North, the Western Ghats in the West, Kanyakumari District in the South and Thoothukudi District in the East. The district covers an area of 6,823 square kilometers.[26] The district has diverse geographical and physical features. This district spreads over a stretch of the Western Ghats and lowland plains. It has the Tamirabarani as a perennial river and small seasonal rivers. Its physical features include sandy soil and fertile alluvium, a variety of flora, fauna and protected wildlife. The district also has inland and mountainous forests. Tirunelveli has rainfall in all seasons. The total rainfall in 2005-2006 was 953.1 mm . The district benefits from both the northeast and southwest monsoons. Most precipitation came from the northeast monsoon (548.7 mm) followed by the southwest monsoon (147.8 mm) and summer rains (184.2 mm). The district is irrigated by several rivers originating in the Western Ghats such as the Pachaiyar, which flows into the Tambaraparani. The Tambaraparani and Manimuthar rivers have dams , with reservoirs providing water for irrigation and power generation. The Tamiraparani River provides consistent irrigation to a large agricultural area. The Chittar River also originates in this district. The Courallam and Manimuthar waterfalls are the two major falls in the district.

Tirunelveli had been an agricultural area throughout its history. Canals, wells, tanks and reservoirs are the sources of irrigation in the district. As of 2005–2006, the district had a total of 151 canals with a length of 499 km, 85,701 irrigation wells, 640 tube wells , eight reservoirs and

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[24] Sathianathaier, R. *History of the Nayaks of Madura,* Oxford , 1924, p.176.

[25] *The Hindu*, Silver Jubilee Celebrations of Tuticorin District Bifurcation, dated 26 March 2012.

[26] Government of India, National Informatics Centre, *Tirunelveli District Profile*, Tirunelveli, 2012.

2,212 tanks.[27] The district also has 21,776 wells used for domestic purposes. The district is a major producer of rice , coconuts, bananas, spices and forest-based products. The district's livestock and poultry populations are amazing . The district is home to almost fifty percent of the buffalo population of Tamil Nadu. Since it is a coastal district, Tirunelveli is also involved in fishery development and production. For the period 2005–2006 the total inland fish catch was 1,874 tonnes, and the total marine fish catch was 7,014 tonnes. The district is also rich in minerals, with a total of 407 mines and quarries. Limestone, granite and garnet sand are some of the minerals mined or produced in the district. Major industries include textile, food and foresty products. A Special Economic Zone was introduced at Nanguneri in 2001. A pharma park and windmill spare-parts and television-manufacturing factories have been planned in this Special Economic Zone. The Tamilnadu Industrial development Corporation (TIDCO) has planned a Rs 700-crore high-tech industrial park in Nanguneri in association with INFAC Group and Axes Technologies Inc of the US. The state government is planning light manufacturing, design and assembly facilities, modern infrastructure facilities and amenities in this SEZ to attract a workforce from around the world.[28]

Located between elevations ranging from 1000 to 1500 Metres, the Manjolai area is set deep within the Western Ghats within the Kalakad Mundanthurai Tiger Reserve in the Tirunelveli District.[29] Located on top of the Manimuthar Dam & the Manimuthar Water Falls, the Manjolai area comprises Tea Plantations, Small settlements around the tea plantations; Upper Kodaiyar Dam and a windy view point called Kuthiravetti. The Tea Plantations and the whole of Manjolai Estates are tea operated by The Bombay Burmah Trading Corporation Ltd on Forest Lands leased by the Government of Tamil Nadu. There are three Tea Estates within the Manjolai area - Manjolai Estate, Manimutharu Estate & Oothu Estate. The Estates are located on elevations ranging between 2300 Feet to 4200 Feet. The estates, road & the settlements in the Manjolai area are managed by The Bombay Burmah Trading Corporation Ltd. Courtallam is situated at a mean elevation of 160 m (520 ft) on the Western Ghats in Tirunelveli District of Tamil Nadu, India. The numerous waterfalls and cascades along with the ubiquitous health

[27] Ibid.
[28] Ibid.
[29] Ibid.

resorts in the area have earned it the title the Spa of South India. The falls carry a good amount of water only when there is a rain on the hills. They are Main Falls, Five Falls, the Shenbhaga Falls, the Tiger Falls, old Courtallam Falls, Honey Falls, Orchard falls and Sitraruvi. The 900 square kilometres (350 sq mi) Kalakkad Mundanthurai Tiger Reserve was established in 1962. The reserve forest, is about forty five kilometers west of Tirunelveli and is known as KMTR to forest and tiger researchers. A tiny village in the far south, Koonthankulam in Nanguneri Taluk of Tirunelveli District is emerging as a new favourite of the migratory birds. About thirty five species of birds visit this calm but congenial village for breeding. The birds called Painted strokes are coming from North India and East European Countries to this place. Similarly the flamingoes which flew in mainly from the Rann of Kutch have hatched and reared their young ones in the village.

Some of the notable literary personalities from Tirunelveli district include Agasthiyar, Tholkappiyar, Dr. Robert Caldwell, Dr. G.U.Pope, Thirikuda Rasappa Kavirayar: poet, author of *Coutralak Kuravanji,* TK Ramanuja Kavirayar, a Tamil epic poet, playwright and humanitarian and Pudumai pittan. Freedom fighters of this district are Puli Thevan, Veera Pandiya KattaBomman, Vanchi Nathan, Muhammad Ismail (*Quaid-e-Millat*—"Leader of the Nation") Sundharalingam Devendran, Veeran Azhagumuthu kone (Kattalankulam) This district is also famous for having produced Journalists like C.Pa. Adithanar: Founder of the Dina Thanthi newspaper group, Dr. Sivanthi Adhiththanar, owner of popular Tamil newspaper Dina Thanthi, Ramachara Adithan, owner of popular Malai Murasu /Kathiravan, K.P. Kandasamy, founder of the Dinakaran newspaper group and Syam, founder and editor of Tharasu, weekly magazine.

In the Tirunelveli district, as in other parts of India, the earliest expressions of opposition to British rule took the form of localised rebellions and uprisings. Chief among these was the revolt of the palayakkarargal (poligars) against the East India Company in 1799.[30] The poligari system had evolved with the extension of Vijayanagar rule into Tamil Nadu. Each poligar was the holder of a territory or palayam (usually consisting of a few villages), granted to him in return for military service and tribute. The Poligar's role was to administer their Palaiyams (territories) from their fortified centers. Their chief functions were to collect taxes, maintain law and order, run the local judiciary, and maintain a battalion of troops for the king.

[30] Rajni Kothari, *Caste in Indian Politics*, Hyderabad, 1970, pp.98-100.

They served as regional military and civil administrators. In turn they were to retain one fourth of the revenue collected as tax, and submit the remaining to the king's treasury. The Poligars also at times founded villages, built dams, constructed tanks and built temples. Also the rulers taxed regions according to the cultivable and fertility of the land. Often several new rainwater tanks were erected in the Semi Arid tracts of western and south Tamilnadu. Their armed status was to protect the civilians from robbers and dacoits who were rampant in those regions and from invading armies which often resorted to pillaging the villages and countryside.

Where circumstances allowed, the poligars naturally tended to place less emphasis on performing their duties and more on enhancing their own powers. Given their numerical strength, extensive resources, local influence and independent attitude, the poligars came to constitute a powerful force in the political system of south India. They regarded themselves as independent, sovereign authorities within their respective palayams, arguing that their lands had been handed down to them across a span of sixty generations Such claims of course were to be brushed aside by the East India Company. The East India Company, eager for revenue, opposed the manner and scale in which the poligars collected taxes from the people. The issue of taxation—more specifically, who was to collect it, the traditional rulers or the rapacious new collectors from overseas —lay at the root of the subsequent uprising. As one British Collector noted: I again repeated that. . . unless the poligar were deprived of his power, and my recommendations went to the fullest extent of the measure, the Company's investment would be materially checked, the weavers residing in the Panchalamkurichi palayam would be stripped off their property, and the largest part of the advances made to them by the commercial resident exposed to considerable danger.[31]

Fair collection of tax and doing welfare measures to the tax payers is another form of consumer protection. The early struggle between the poligars of south and East India Company, although essentially a battle over tax collection, had a strong political dimension. The English treated the poligars, perceived as a rival power, as their inveterate enemies, allowing their

[31] *Deccan Herald ,* A Fort Built and Demolished Thrice, dated 10 May 2010.

hostility full expression in their accounts. When in 1799 the poligars of Tirunelveli District rose in open rebellion, the East India Company took all possible measures to check the spread of the uprising. A detachment of Company troops was speedily deployed against the Tirunelveli poligars, while dire warnings were issued to poligars in other parts of the south not to join the rebellion. The Company, which regarded the poligars as the 'scourge of the country', determined to deprive the ringleaders of their palayats and punish them in an exemplary fashion.[32]

Collector Jackson singled out Kattabomma Nayak of Panchalamkurichi as the main leader of the rebellion. That came to be known as the First Poligari War which was declared on 5 September 1799. Although Kattabomman managed to escape from the field of battle, he was captured a month later in Pudukottai. After a summary trial, he was sentenced to death by Major Bannerman, Commander of the East India Company troops. He was publicly hanged near Kayattar Fort, close to the town of Tirunelveli, in front of fellow poligars who had been summoned to witness the execution.

Subramania Pillai, a close associate of Kattabomma Nayak, was also publicly hanged and his head was fixed on a pike at Panchalamkurichi. Soundra Pandian Nayak, another rebel leader, was brutally done to death by having his brains dashed against a village wall. Despite the exemplary repression of 1799, however, rebellion broke out again in 1800, this time in a more cohesive and united manner.[33] Although the 1800-1801 rebellion was to be categorised in British records as the Second Poligari War, it assumed a much broader character than its predecessor. It was directed by a confederacy consisting of Marudu Pandian of Sivaganga, Gopala Nayak of Dindugal, Kerala Verma of Malabar and Krishnappa Nayak and Dhoondaji of Mysore. The insurrection, which broke out in Coimbatore in June 1800, soon spread to Ramanathapuram and Madurai. By May 1801, it had reached the northern provinces, where Marudu Pandian, Melappan and Puttur provided the leadership. Oomathurai, the brother of Kattabomma Nayak, emerged as a key leader. In February 1801, Oomathurai and two hundred men by a clever

[32] Rajni Kothari, op. cit.,pp. 100-103.
[33] Ibid.

stratagem took control of Panchalamkuriclli Fort, in which Oomathurai's relatives were imprisoned.

Its fort now re-occupied and reconstructed by rebel forces Panchalamkurichi became the nerve centre of the uprising. British dismay was boundless. As one eyewitness put it, ' . . . to our utter astonishment, we discovered that the walls, which had been entirely levelled, were now rebuilt, and fully manned by about fifteen hundred poligars.' Three thousand armed men of Madurai and Ramanathapuram, despatched by Marudu Pandian, joined up with the Panchalamkurichi forces. However, British military superiority having just destroyed the far more formidable challenge posed by Tipu Sultan in Mysore, quickly asserted itself. The poligar forces based at Panchalamkurichi were crushed and, by the orders of the colonial government, the site of the captured fort was ploughed up and sowed with castor oil and salt so that it should never again be inhabited. The colonial forces quickly overpowered the remaining insurgents. The Marudu brothers and their sons were put to death, while Oomathurai and Sevatiah were beheaded at Panchalamkurichi on 16 November, 1801. Seventy-three of the principal rebels were sentenced to perpetual banishment. So savage and extensive was the death and destruction wrought by the English that the entire region was left in a state of terror. The suppression of the poligar rebellions of 1799 and 1800-1801 resulted in the liquidation of the influence of the chieftains. Under the terms of the Carnatic Treaty of 31 July 1801, the British assumed direct control over Tamil Nadu. The poligari system, which had flourished for two and a half centuries, came to a violent end and the Company introduced a zamindari settlement in its place.[34]

While it is obviously premature and misleading to attach the term 'nationalist' to the struggle of the poligars, or to portray it as some kind of mass movement, the uprising does appear to have attracted some popular support. In subsequent years, a good deal of legend and folklore would develop around Kattabomman and the Marudu brothers. Long after Kattabomman's execution, Kayattar, his place of death, remained a place of political pilgrimage. In his Tinnevelly Gazetteer of 1917, H. R. Pate noted the presence in Kayattar of a great pile of stones of all sizes, which represents the accumulated offerings by wayfarers of the past hundred

[34] *Ibid*., pp.105-110.

years. Folk songs recalling the heroism of the poligar leaders remain alive in Tirunelveli and throughout Tamil Nadu to this day.[35]

The historic event of the voyage of swadeshi ships on the sea off Tuticorin could be viewed as offshoots of early consumer movement in the undivided Tirunelveli district in the early twentieth century. [36] In fact it was a fight against the monopoly of the East India Company in the sea transport. VOC, affectionately called as 'Vandematram Pillai' or 'Swadeshi Pillai' and popularly known as 'Kappalotiya Tamizhan,' was born on 5 September 1872, at Ottapidaram. He, under the leadership of Balagangadhar Tilak, and in the company of Subramania Siva and Subramania Bharati, campaigned for the freedom movement in Tamil Nadu in the early years of the last century. With dynamism, courage and integrity VOC raised the people against the mighty British Raj. He also organised the workers of Coral Mills at Tuticorin to fight for their rights and resist exploitation. Tirunelveli and Tuticorin were the hot beds of political activities during the freedom movement. VOC and Siva arranged processions and meetings to celebrate the release of Bapin Chandra Pal from prison. As the British were irritated and angered by the swadeshi activities of VOC and Siva, both were arrested.

On 7 March 1908, VOC and Subramania Siva were found guilty of 'sedition' charges. Siva was sentenced to ten years transportation. But VOC received the maximum sentence of transportation for life and second sentence of transportation was also passed on substantive 'sedition' offences and to run concurrently with the first. But later, it was reduced to six years imprisonment. VOC suffered brutal and inhuman treatment in prison, as he was forced to operate jute cleaning machine with bare hands. He was substituted for an ox on the oil pressing machine under the hot sun.

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[35] Pate,H.R., *Tinnevelly Gazetteer*, Madras,1917, p.32.

[36] *The Hindu*, Swadeshi Ship on the Blue Waters of Tuticorin, dated 20 October 2012.

During the freedom movement, VOC initiated swadeshi education and established swadeshi stores for the sale of Indian-made goods. During this time, the merchants of Tuticorin engaged passenger shipping and cargo service only with British Indian Steam Navigation Company (BISNC) and other European steam navigation companies. BISNC treated Indian merchants in an unfair and offensive manner and acted in favour of British traders. The problems of Indian traders and facilities at Tuticorin port were raised by K. R. Gurusamy Iyer in the then Madras Legislative Council. The problems of Tuticorin merchants were not properly addressed. So they were forced to make necessary shipping arrangements to safeguard their trade and commerce. As the result, Nalla Perumal Pillai, one of the traders of Tuticorin, launched Seena Vana Shipping Company and arranged ships on rental basis with a Bombay-based company. Due to stiff opposition from and hurdles placed by BISNC, Seena Vana Shipping Company ceased to exist.

Realising the problems faced by the Indian merchants and traders, VOC formed the SSNC on 16 October 1906. The company was floated with a capital of Rupees ten lakh, divided into 40,000 shares of Rupees twenty five each.[37] Shares were open only to Indians, Ceylonese and other Asian nationals. By December 1906, fifteen directors had been elected with Pandithurai Thevar, ex- Zamindar of Palavanatham and founder of fourth Tamil Sangam, as president and VOC as assistant secretary. In his autobiography, VOC says that Bakir Mohamed, a Muslim merchant, was the first person to purchase the shares. The prospectus of SSNC stated its objects thus: To establish a cheap and reliable steamer service between Thoothukudi and Ceylon and all such ports and places to popularize the art of Navigation among Indians, Ceylonese and other Asiatics; generally to do all such things conducive to the attainment of all or any of the object of the company, to establish ship building technological institutes to educate and train students of India, Ceylon and Asiatic.

The SSNC was formed not for profit but for the ideals of nationalism and development of the skills of Asiatics for self-reliance in shipping technology.[38] At the initial stage, SSNC did not own any vessel and so it hired Indian-owned Shah Line Shipping Company which handled swadeshi steamers' shipment between Tuticorin and Ceylon. But as Shah Line Company merged

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[37] *The Hindu*, Fitting Tribute to VOC, dated 19 February 2011.
[38] Ibid.

with Shah Steam Navigation Company of India, it ceased to sail. So, VOC decided to purchase vessels for SSNC.

Meanwhile, VOC met the leading commercial merchants and traders in Tuticorin, Tirunelveli and Madurai and toured all over Tamil Nadu to canvas for shares. He also went to Bombay and Ceylon. Poet Subramania Bharati wrote essays enlightening the important venture of SSNC in his 'India' journal and called upon people to purchase shares. Prominent nationalist leader G. Subramania Iyer appealed to the people to strengthen the SSNC. At the initial stage the merchants of Calcutta and Bombay bought sizable shares. Pandithurai Thevar toured Madurai, Madras and Salem to raise funds for the shares. In Thanjavur district, Shunmugasundaram Pillai and Kalyanasundaram Iyer were active in selling the shares around Tanjore. The agents of SSNC went to Andhra Pradesh and overseas to Burma to canvass for shares. Mandayam Srinivasachariar, a close associate of Bharati and VVS Aiyar, sold the jewels of his family members and relatives and purchased shares to the value of Rs. 75000. Towards the end of 1907, a total of 4000 shares were sold.

Though VOC's first son Olaganathan was seriously ill, he went to Bombay to purchase two ships for SSNC. The first ship, Gallia, reached Tuticorin in May 1907 and another, 'Lowoe,' in June 1907. Each ship had a capacity to carry forty two first class, twenty four second class and 1300 ordinary class passengers apart from 4000 gunny bags of load. Welcoming the efforts of VOC, Bharati wrote in 'India' on 15 June 1907 that as the joy and pleasure attained by a woman after a long period of married life, by virtue of her penance has given birth to two children, so our Bharath Matha would also be joyous getting these two ships. VOC and his friends had done their bounden duties to their mother land. The poet had also published a cartoon on the front page of the journal with a note. Swadeshi ship with Vandematram flag is coming. People are joyous at the arrival of swadeshi steamers at Thoothukudi. We are proud to publish the cartoon.[39] The BISNC, with the support of the British Government, initiated repressive measures against the SSNC. BISNC, with a tacit agreement with the railway department, reduced passenger and cargo rates. Moreover, the British officers supported BISNC and this was evident from an incident in 1906. When BISNC steamer collided with an SSNC vessel, the latter filed a suit for damages in the Sub Magistrate's court. The Joint Magistrate then directed to transfer the

[39] Vijayabharathi, S., *Mahakavi Subramania Bharathi*, Chennai , 2007, p.23.

case to his file and instructed the police inspector to suspend its investigation. The Joint Magistrate took no action at all on the damage suit filed by SSNC. Despite the repressive actions, the number of passengers travelling in the ships of SSNC increased day by day. As a result, BISNC met with a loss of Rs. 30000 to Rs. 40000 per month during 1907 - 1908. Despite the efforts of BISNC to throttle SSNC, it was gaining profit and attracting merchants, traders and people. The voyage of the swadeshi steam vessels kindled the national spirit and awakening of consumer movement in Tirunelveli district.[40]

However, BISNC resorted to the monopolistic trade practice of reducing the fare per trip to Rupee one (sixteen annas) per head. Swadeshi company responded by offering a fare of half Rupee (eight annas). The British company went further by offering a free trip to the passengers plus a free umbrella, which had 'S.S.Gaelia' and 'S.S.Lawoe' running nearly empty.

With events leading to the arrest of V.O.C and other national leaders, the SSNC was heading towards a serious financial crisis. The company was heavily in debt. So the Directors issued an appeal to the public for support. At this crucial period, Bharati, in an essay in 'India' 30 January 1909, appealed to the workers and daily coolies to come forward to contribute generously to SSNC.[41] Donations poured into 'India' office not only from Tamil Nadu, but also from Puducherry. Bharati published the names of the donors with the amount in 'India'. However, mobilisation of funds could do very little to improve the situation. Apart from the arrest of VOC and other repressive acts against the national leaders, British colonial administration was determined to remove the threat to British colonial interests and political hegemony posed by the swadeshi movement. Due to the continuous repressive measures of the British, within a couple of years, the SSNC ceased to function. In the absence of any consumer competition laws, the only response of the consumers was to build up a consumer movement such as swadeshi movement to resist the impact of competitions.

In this context, it would be better to look at how such problem was handled in other countries. It is a fact that the Americans' contribution is great and they have a long tradition in the history of consumer movement both at their national and international levels. Their

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[40] *The Hindu*, Fitting Tribute to VOC, dated 19 February 2011.
[41] Vijayabharathi, S., *op.cit*., p.25.

pioneering effort could be said to have begun with the promulgation of the Antitrust law which was promulgated by the efforts of Sherman in the year 1890 to protect consumers from exploitation by means of monopolies and un ethical alliances of business community.[42] The antitrust laws comprise what the Supreme Court calls a charter of freedom, designed to protect free enterprise in America. One view of the statutory purpose, urged for example by Justice Douglas, was that the goal was not only to protect consumers, but at least as important to prohibit the use of power to control the market price.

The philosophy of the Sherman Act is that industrial power should be decentralized. It should be scattered into many hands so that the fortunes of the people will not be dependent on the whim or caprice, the political prejudices, the emotional stability of a few self-appointed men. That is the philosophy and the command of the Sherman Act. It is founded on a theory of hostility to the concentration in private hands of power so great that only a government of the people should have it. Although *trust* had a technical legal meaning, the word was commonly used to denote big business, especially a large, growing manufacturing conglomerate of the sort that suddenly emerged in great numbers in the 1880s and 1890s. The Interstate Commerce Act of 1887 began a shift towards federal rather than state regulation of big business. It was followed by the following Acts.[43] The Sherman Antitrust Act of 1890, The Clayton Antitrust Act of 1914, The Federal Trade Commission Act of 1914, The Robinson –Patman Act of 1936 and the Celler- Kefauver Act of 1950.

Indeed, at this time hundreds of small short-line railroads were being bought up and consolidated into giant systems. Separate laws and policies emerged regarding railroads and financial concerns such as banks and insurance companies. Advocates of strong antitrust laws argued the American economy to be successful requires free competition and the opportunity for individual Americans to build their own businesses. Congress passed the Sherman Antitrust Act almost unanimously in 1890, and it remains the core of antitrust policy. The Act makes it illegal to try to restrain trade or to form a monopoly. It gives the Judicial Department the mandate to go to federal court for orders to stop illegal behavior or to impose remedies. Public officials during the Progressive Era emphasized strongly Antitrust on their agenda. President Theodore

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[42] Richard Worth, *Sherman Antitrust Act*, Marshall Cavendish Corporation, 2011, pp. 23-35.
[43] Richard A Posner, *Anti Trust Law*, Chicago, 2001, pp. 57-60.

Roosevelt sued forty five companies under the Sherman Act, while William Howard Taft sued seventy five. In 1902, Roosevelt stopped the formation of the Northern Securities Company, which threatened to monopolize transportation in the Northwest.

One of the more well known trusts was the Standard Oil Company. John D. Rockfeller in the 1870s and 1880s had used economic threats against competitors and secret rebate deals with railroads to build what was called a monopoly in the oil business, though some minor competitors remained in business. In 1911 the Supreme Court agreed that in recent years (1900–1904) Standard Oil Company had violated the Sherman Act.[44] It broke the monopoly into three dozen separate companies that competed with one another, including Standard Oil of New Jersey, Standard Oil of Indiana, and Standard Oil Company of New York. In approving the breakup the Supreme Court added the rule of reason: not all big companies, and not all monopolies, are evil; and the courts not the executive branch are to make that decision. To be harmful, a trust had to somehow damage the economic environment of its competitors.

United States Steel Corporation, which was much larger than Standard Oil, won its antitrust suit in 1920 despite never having delivered the benefits to consumers that Standard Oil did. In fact, it lobbied for tariff protection that reduced competition, and so contending that it was one of the "good trusts" that benefited the economy is somewhat doubtful. Likewise International Harvester survived its court test, while other trusts were broken up in tobacco, meatpacking, and bath tub fixtures. Over the years hundreds of executives of competing companies, who met together illegally to fix prices, went to federal prison. One problem as some perceived with the Sherman Act was that it was not entirely clear what practices were prohibited, leading to businessmen not knowing what they were permitted to do, and government antitrust authorities not sure what business practices they could challenge. In 1914 Congress passed the Clayton Act, which prohibited specific business actions such as price discrimination and tying if they substantially lessened competition.[45] At the same time Congress established the Federal Trade Commission, whose legal and business experts could force business to agree to consent decrees.

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[44] *Ibid*., pp.56-67.
[45] Ibid.

American hostility to big business began to decrease after the Progressive Era. For example, Ford Motor Company dominated auto manufacturing, built millions of cheap cars that put America on wheels, and at the same time lowered prices, raised wages, and promoted manufacturing efficiency. Ford became as much of a popular hero as Rockefeller had been a villain. Welfare capitalism made large companies an attractive place to work; new career paths opened up in middle management; local suppliers discovered that big corporations were big purchasers. Talk of trust busting faded away. Under the leadership of Herbert Hoover, the government in the 1920s promoted business cooperation, fostered the creation of self-policing trade associations, and made the FTC an ally of respectable business[46].

During the New Deal, likewise, attempts were made to stop cut throat competition, attempts that appeared very similar to cartelization, which would be illegal under antitrust laws if attempted by someone other than government. The National Industrial Recovery Act was a short-lived program in 1933–35 designed to strengthen trade associations, and raise prices, profits and wages at the same time. The Robinson-Patman Act of 1936 sought to protect local retailers against the onslaught of the more efficient chain stores, by making it illegal to discount prices. To control big business, the New Deal policymakers preferred federal and state regulation controlling the rates and telephone services provided by American Telephone and Telegraph Company and by building up countervailing power in the form of labour unions.

By the 1970s, fears of cut-throat competition had been displaced by confidence that a fully competitive marketplace produced fair returns to everyone. The fear was that monopoly made for higher prices, less production, inefficiency and less prosperity for all. As unions faded in strength, the government paid much more attention to the damages that unfair competition could cause to consumers, especially in terms of higher prices, poorer service, and restricted choice. In 1982 the Reagan administration used the Sherman Act to break up AT&T into one long-distance company and seven regional Baby Bells, arguing that competition should replace monopoly for the benefit of consumers and the economy as a whole. The pace of business takeovers quickened in the 1990s, but whenever one large corporation sought to acquire another, it first had to obtain the approval of either the FTC or the Justice Department. Often the

[46] *Ibid.*, pp.103-106.

government demanded that certain subsidiaries be sold so that the new company would not monopolize a particular geographical market.

In 1999 a coalition of 19 states and the federal Justice Department sued Microsoft. A highly publicized trial found that Microsoft had strong-armed many companies in an attempt to prevent competition from the Netscape browser. In 2000, the trial court ordered Microsoft split in two to punish it, and prevent it from future misbehavior, however the Court of Appeals reversed the decision, removed the judge from the case for improperly discussing the case while it was still pending with the media. With the case in front of a new judge, Microsoft and the government settled, with the government dropping the case in return for Microsoft agreeing to cease many of the practices the government challenged. In his defense, CEO Bill Gates argued that Microsoft always worked on behalf of the consumer and that splitting the company would diminish efficiency and slows the pace of software development.[47]

Thus Antitrust laws prohibit agreements in restraint of trade, monopolization and attempted monopolization, anticompetitive mergers and tie-in schemes, and, in some circumstances, price discrimination in the sale of commodities. Efficiency-oriented economists reject the goal of competition and instead argue that antitrust legislation should be changed to primarily benefit consumers. No Congress or administration has supported this position. These economists largely ignore the political issues that motivated the laws in the first place. Anti-competitive agreements among competitors, such as price fixing and customer and market allocation agreements are typical types of restraints of trade proscribed by the antitrust laws. These types of conspiracies are considered pernicious to competition and are generally proscribed outright by the antitrust laws.

Consumer protection laws seek to regulate certain aspects of the commercial relationship between consumers and business, such as by requiring minimum standards of product quality, requiring the disclosure of certain details about a product or service, prohibiting misleading advertising, or prescribing financial compensation for product liability. Consumer protection laws are distinct from antitrust law. Some consumer protection laws are enforced by the US Federal Trade Commission, which also has antitrust responsibilities. However, many

[47] Richard Worth, *op.cit.,* pp.265-267.

competition agencies including the Justice Department antitrust division and the European Commission Directorate General for competition, lack authority over consumer protection. Thus the introduction of the Antitrust Law provided the seedlings of consumer protection in the United States of America.

In Tirunelveli and other parts of India such an unfair trade practices continued for a long time even after Independence without any enforcement measures by the Government of India. In 1969 Government of India had passed an Act and it had been given the name monopoly and restrictive trade practices (MRTP). It became popular with the name of MRTP 1969. This act has many provisions to control the monopoly and to promote the competition. It has defined RTP and also explained the powers of MRTP commission. But its scope was very narrow and Government of India had promulgated a new act called Competition Act 2002 on the place of MRTP Act 1969 to safeguard the interests of consumers. After this promulgation, MRTP Act 1969 was fully repealed.[48] Competition Act 2002 stated that Indian traders must not do any activity for promoting monopoly. If they engaged themselves in any activity in the form of production, distribution, price fixation for increasing their monopoly and if that activity was found to be against this act, that would become void. This act was very helpful for increasing good competition in Indian economy.

Under this act, the following restricted practices were stopped.[49] One was price fixing. If two or more suppliers fixed the same price for supply of goods then it will be considered as restricted practice. The second one was bid ragging. If two or more suppliers exchanged sensitive information of bid, then it would also be considered as restricted practice and against competition. The third one was about resale price fixation. If a producer sold the goods to the distributors on the condition that they should not sell at any other price which is not fixed by producer it is considered as restricted practice. The fourth was exclusive dealing namely if a distributor purchased the good on the condition that the supplier should not supply the goods to any other distributor this was also considered as restricted practice. Above all, activities that

[48] Chaudhary, R.N.P., *Consumer Protection Law*, Lucknow, 2000, p.36.
[49] Ibid.

promote monopoly under competition act become void and action of competition commission will not be entertained by civil court.

In 2012 the unfair trade practice of cartelization namely unduly pushing up the price of cement by the company known as India Cements Limited located within the Tirunelveli district and adjoining the Tirunelveli city along with ten other companies in different parts of Tamilnadu and India was curtailed by the Competition Commission of India.[50] The Competition Commission of India was a body responsible for enforcing the Competition Act, 2002 throughout India and to prevent activities that have an adverse effect on competition in India. It was established on 14 October 2003. It became fully functional in May, 2009. The Competition Act, 2002, as amended by the Competition (Amendment) Act, 2007, follows the philosophy of modern competition laws. The Act prohibits anti-competitive agreements, abuse of dominant position by enterprises and regulates combinations such as acquisition, acquiring of control and Merger and acquisition, which cause or likely to cause an appreciable adverse effect on competition within India. The objectives of the Act are sought to be achieved through the Competition Commission of India (CCI), which has been established by the Central Government with effect from 14 October 2003. [51] CCI consists of a Chairperson and six Members appointed by the Central Government. It is the duty of the Commission to eliminate practices having adverse effect on competition, promote and sustain competition, protect the interests of consumers and ensure freedom of trade in the markets of India. The Commission wass also required to give opinion on competition issues on a reference received from a statutory authority established under any law and to undertake competition advocacy, create public awareness and impart training on competition issues. The Commission comprises a Chairperson and six members.

The main objective of competition law is to promote economic efficiency using competition as one of the means of assisting the creation of market responsive to consumer preferences. [52] The advantages of perfect competition are three-fold: allocative efficiency, which

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[50] *The Hindu*, CCI Finds Eleven Cement Majors Guilty of Price Cartelisation, dated 19 June 2012.
[51] Jai S.Singh, *Competition Law of India*, Delhi, 2005, p.186.
[52] Ibid.

ensures the effective allocation of resources, productive efficiency, which ensures that costs of production are kept at a minimum and dynamic efficiency, which promotes innovative practices. The Competition Act aims to prevent practices having adverse effect on competition, to promote and sustain competition in markets, to protect the interests of consumers and to ensure freedom of trade carried on by other participants in markets in India.

To achieve its objectives, the Competition Commission of India endeavors to [53] make the markets work for the benefit and welfare of consumers, to ensure fair and healthy competition in economic activities in the country for faster and inclusive growth and development of economy, to implement competition policies with an aim to effectuate the most efficient utilization of economic resources, to develop and nurture effective relations and interactions with sectoral regulators to ensure smooth alignment of sectoral regulatory laws in tandem with the competition law and to effectively carry out competition advocacy and spread the information on benefits of competition among all stakeholders to establish and nurture competition culture in Indian economy.

In June 2012, CCI imposed a fine of ₹6,307 crore to eleven cement companies for cartelization. [54] CCI claimed that cement companies met regularly to fix prices, control market share and hold back supply which earned them illegal profits. This case is significant because of two of the eleven cement manufacturing companies namely India Cements Limited and Madras Cement Limited are located in Tamilnadu and more than this India Cements is located within Tirunelveli District and very adjacent to Tirunelveli city. The first plant was set up at Sankarnagar in Tirunelveli in 1949. India Cements Limited is the third largest cement company in India.

Builders' Association of India had filed a complaint with the Competition Commission of India (CCI) against the Cement Manufacturers Association and various cement companies, about the unfair trade practice of indulging in cartelasiation thus pushing up the price of cement, vide Case No.29/2010. The Commission issued Notice[55], forwarding therewith a copy of the non

[53] Ibid.
[54] *India Today*, Competition Commission of India Slaps Rs. 6307 Crore Penalty on Cement Cartel, dated 22 June 2012.
[55] Government of India, Competition Commission of India, File No. 1 (29)/2010-Sectt, dated 23 December 2011.

confidential version of the investigation report submitted by the Director General for filing the response, if any, within two weeks of the receipt of the letter. The Commission also directed the parties of both sides to appear before the Commission for hearing, if they so desire, either personally or through their authorized representatives on 17 January 2012 and 18 January 2012.[56] Complete case papers received in the office BAI were forwarded to BAI Advocates M/s. Seth Dua & Associates for making the replies. As per the information gathered, replies, on behalf of BAI were submitted.

Accordingly, case came up for hearing before the Commission on 17th January 2012, before six commission members i.e. full bench. Apart from Advocates and representatives of BAI, there were 75-80 advocates, representing the CMA and other cement companies to whom the notices were issued by the CCI. After hearing all concerned the Commission gave orders, to file the objections, in soft copy, before the Commission by 14 February 2012. The Commission held its final meeting on 21, 22 and 23 February 2012, which was attended by the representatives and Advocates of BAI representatives and Advocates of the cement companies. On 20 June, 2012 the Full Bench of CCI delivered a unanimous order running into 258 pages, upholding BAI's contention and imposing a a fine of ₹6,307 crore to eleven cement companies for cartelization. While imposing penalty, the Commission had considered the parallel and coordinated behavior of cement companies on price, dispatch and supplies in the market. The Commission had found that the cement companies had not utilized the available capacity so as to reduce supplies and raise prices in times of higher demand. The Commission had also observed that the act of these Cement Companies in limiting and controlling supplies in the market and determining prices through an anti-competitive agreement is not only detrimental to the cause of the consumers but also to the whole economy since cement is a crucial input in construction and infrastructure industry vital for economic development of the country. They had also been directed to cease and desist from indulging in any activity relating to agreement, understanding or arrangement on prices, production and supply of cement in the market. Cement Manufacturers Association had been asked to disengage and disassociate itself from collecting wholesale and retail prices through the member cement companies and also from circulating the details on production and dispatches of cement companies to its members.

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[56] Ibid.

In the modern period, the British system replaced the traditional legal system of India. However, one of the outstanding achievements of British rule in India was the formation of a unified nationwide modern legal system.[57] During the British period, the Indian legal system was totally revolutionized and the English legal system was introduced to administer justice. However, it is important to note that the traditions and customs of the Indian legal system were not ignored. The law itself underwent considerable adaptation. The British institutions and rules were combined with structural features and rules which accorded with indigenous understanding. The borrowed elements underwent more than a century and a half of pruning in which British localisms and anomalies were discarded and rules were elaborated to deal with new kinds of persons, property and transactions. To administer justice, they were confronted with the problem of the value suitable to attach in practice to the Indian traditions and customs. Despite the challenges of combining the British and Indian legal systems, the fabric of modern Indian Law is unmistakably Indian in its outlook and operation and consumer protection is not an exception to this perception. During the British rule, the consumer movement historically began in the early part of this century with the formation of the Passengers and Traffic Relief Association and the Women Graduates Union, Bombay in 1915.

Some of the laws which were passed during the British regime concerning consumer interests are:[58] the Indian Contract Act of 1872, the Sale of Goods Act of 1930, the Indian Penal Code of 1860, the Drugs and Cosmetics Act of 1940, the Usurious Loans Act of 1918, and the Agriculture Procedure (Grading and Marketing Act) of 1937. These laws provided specific legal protection for consumers. For fifty-five years, the Sale of Goods Act of 1930 [SGA] was the exclusive source of consumer protection in India. The SGA, drafted with precision, is an admirable piece of legislation. It is also praised as a Consumer's Charter. The main protection for the buyer against the seller for defective goods is found in Section 16 of the Act. It provides exceptions to the principle of Caveat emptor which means let the buyer beware. This sufficiently safeguards the interests of the buyer. Phrases such as "skill and judgment of the seller", "reliance on sellers' skill", and the test of "merchantable quality" provide effective remedies to buyers. Courts interpreted these rules in favour of consumers. The SGA was the

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[57] Antony, M.J., *Consumer Rights*, Delhi, 1990, p.45.
[58] *Ibid*., p.46.

exclusive consumer legislation until 1986, with the passage of the Consumer Protection Act of 1986, designed to supplement the remedies already provided under the SGA.

Consumer protection was also provided within India's criminal justice system. The Indian Penal Code of 1860 has a number of provisions to deal with crimes against consumers. It deals with offenses related to the use of false weights and measures, the sale of adulterated food or drinks, the sale of noxious food or drink, and the sale of adulterated drugs. Consumer protection legislation enacted after India's independence from Britain include: the Essential Commodities Act of 1955, the Prevention of Food Adulteration Act of 1954 and the Standard of Weights and Measures Act of 1976. Thus a number of laws and regulations have been passed by the Government of India over the years to protect the interest of consumers. A brief outline of the purpose of these laws is given below.[59]

(i) Agricultural Produce (Grading and Marketing) Act, 1937:[60] This Act provides for grading and certifying quality standard of agricultural commodities which are allowed to be stamped with AGMARK seal of the Agricultural marketing department of the Government.

(ii) Industries (Development and Regulation) Act, 1951:[61] This Act provides for control over production and distribution of manufactured goods. According to this Act, the central government may order investigation of any industry, if it is of the opinion that there has been substantial fall in the volume of production, or a marked decline in the quality of a product, or any unreasonable rise in price. After due investigation, the government may issue directions to set things right. If the directions are not acted upon, the government may take over the concerned undertakings.

(iii) Prevention of Food Adulteration Act, 1954:[62] This Act provides for severe punishment for adulteration of food articles. In the case of sale of adulterated food which is injurious to health and likely to cause death, life imprisonment with a minimum fine of Rs 3000 may be payable. Food inspectors are appointed and they have powers to lift samples and send

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[59] *Ibid.*,pp.50-56.
[60] Jain, N.K.,*Consumer Protection: Law and Practice*, New Delhi, 2005, P.28.
[61] *Ibid.*,p. 35.
[62] *Ibid.,*p.36.

them for analysis. Penalties are also provided under the act for offences committed by persons with regard to manufacture, import, storage, sale and distribution of adulterated food articles.

(iv) Essential Commodities Act, 1955 :[63] Under this Act, the Government has power to declare any commodity as essential in the public interest. Thereby the government can control the production, supply and distribution of the trading of such commodities. It also provides for action against anti-social activities of profiteers, hoarders and black-marketeers.

(v) The Standards of Weights and Measures Act, 1956:[64] This Act provides for the use of standard weights and standard measures of length throughout the country. 'Metre' has been specified as the primary unit for measuring length, and 'kilogram' as the primary unit for measuring weight. Before this Act came into force, different system of weights and measures were used in different parts of the country like 'pound', 'Chhatak' and 'Seer' as weights, yard, inch and foot for length, etc. These differences provided opportunities for traders to exploit the consumers.

During the Moghul rule courts administered the Sharia to the exclusion of Hindu law. Islamic law gave way to English criminal law with the increase of British influence in the Indian subcontinent. Before 1860, The English criminal law, as modified by several acts was administered in the Presidency-Towns of Bombay, Calcutta and Madras. The draft of the Indian Penal Code was prepared by the First Law Commission, chaired by Thomas Babington Macaulay. Its basis is the law of England freed from superfluities, technicalities and local peculiarities. Elements were also derived from the Napoleonic Code and from Edward Livingston's Louisiana Civil Code of 1825. The first final draft of the Indian Penal Code was submitted to the Governor-General of India in Council in 1837, but the draft was again revised.[65] The drafting was completed in 1850 and it was presented to the Legislative Council in 1856 but it did not take its place on the Indian statute book until a generation later, following the Indian Rebellion of 1857. The draft then underwent a very careful revision at the hands of Barnes Peacock, who later became the first Chief Justice of Calcutta, and the future puisne judges of the Calcutta High Court, who were members of the Legislative Council, and was passed into law on

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[63] *Ibid.,*p.40.
[64] *Ibid.,*p.51.
[65] Gaur,K.D., *A Text Book on the Indian Penal Code (IPC)*, Delhi,2012, pp.21-24.

6 October 1860. The Code came into operation on 1 January 1862. Unfortunately, Macaulay did not survive to see his masterpiece come into force, having died near the end of 1859. The objective of this Act is to provide a general penal code for India. The Act does not repeal the penal laws which were in force at the time of coming into force in India. This was so because the Code does not contain all the offences and it was possible that some offences might have still been left out of the Code, which was not intended to be exempted from penal consequences. Though this Code consolidates the whole of the law on the subject and is exhaustive on the matters in respect of which it declares the law, many more penal statutes governing various offences have been created in addition to the code. Chapter XIII of the I.P.C. Act, relate to the offences with regard to weight and measures. [66]

Section 264 speaks about the fraudulent use of false instruments for weighing. The punishment for this was one year imprisonment or fine or both. Section 265 speaks about the fraudulent use of any false weight or false measure of length or capacity or fraudulent use of any weight or any measure of length or capacity , as a different weight or any measure from what it is. Punishment for this is the same as under section 264. Section 266 speaks about having in possession any instrument for weighing or any weight or measure of length or capacity, knowing the same to be false and intending that the same may be fraudulently used. Punishment for this is the same as under section 264. Section 267 speaks about making or selling or disposing of any false instrument for weighing or a false weight or measure of length or capacity known to be false in order that the same may be used as true or knowing that the same is likely to be used as true. Punishment for this is the same as under section 264.

These offences are not defined with reference to any standard weight or measure. False weight or measure here means that which is not current or in use at the place. Again mere possession of false weights or measures is no offence. Their use with fraudulent intention alone will make the person who uses them liable.

(vi) Monopolies and Restrictive Trade Practices Act, 1969:[67] Under the provisions of this Act, as amended in 1983 and 1984, consumers and consumer groups can exercise their right of

[66] *Ibid.*, pp.67-69.
[67] Jain N.K., *op.cit.,*p.60.

redressal by filing complaints relating to restrictive and unfair trade practices. The government has constituted the MRTP commission which is empowered to deal with consumer complaints after due investigation and enquiry. The Commission has power to award compensation for any loss or injury suffered by consumers.

(vii) Prevention of Black-marketing and Maintenance of Essential Supplies Act, 1980:[68] The primary objective of this act is to provide for detention of persons with a view to prevention of black-marketing and maintenance of supplies of commodities essential to the community. The maximum detention for persons acting in any manner against the intention of the act can be imprisonment upto 6 months.

(viii) Bureau of Indian Standards Act, 1986:[69] The Bureau of Indian Standards has been set up under this Act, replacing the Indian Standards Institution (ISI), to protect and promote consumer interest. It has two major activities : formulation of quality standards for goods and their certification through the BIS certification marks scheme by which manufacturers are permitted to use the Indian standardisation mark (ISI) on their products after due verification of conformity with prescribed quality standards of safety and performance. The Bureau has set up a consumer affairs department to create quality consciousness among ordinary consumers. There is also a public grievances cell to which consumers can make complaint about the quality of products carrying ISI mark.

A benefit of these acts is that they do not require the consumer to prove *mens rea*. Rather, the offenses are of strict liability, and not dependent on any particular intention or knowledge. Criminal law in the field of consumer protection has acquired much significance, as consumers are less inclined to go to civil court for small claims. It has been said that the functional value of criminal law in the field of consumer protection is a high one and it has a respectable pedigree. Another view is that there has been an attempt to look at consumer protection as a public interest issue rather than as a private issue to be left to individuals for settlement in court.

In addition to the remedies under contract and criminal law, consumers have rights under tort law. Based on its numerous legal intricacies, however, tort law is not the ideal remedy for

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[68] *Ibid*.,p.65.
[69] *Ibid*.,p.69.

injured consumers in India. For example, the traditional doctrine of negligence imposes heavy responsibility on the plaintiff to prove each of its required elements. These traditional legal requirements naturally encourage injured consumers to pursue legal remedies under different laws. Not surprisingly, it is estimated that for about half a century from 1914 to 1965, only 613 tort cases came before the appellate courts. The orthodox legal requirements under the law of torts and contracts forced the policy makers to craft specific legislation to protect consumers. As a result, the Consumer Protection Act of 1986 was enacted with the objective of providing cheap, simple and quick justice to Indian consumers.[70]

Most discussion about India's consumer activism starts with a description of the Indian independence movement. At this time Gandhi and other leaders protested taxation of basic consumer products, such as during the Salt March, and encouraged people to make their own goods at home, as with the Khadi movement to promote spinning thread and weaving one's own textiles. These actions were to raise awareness that consumer purchase decisions fund the source of India's political control. [71]

Gandhi promoted the idea that businesses have a trustee role in being responsible to the customers, workers, shareholders, and their community. United States consumer advocate Ralph Nader called Gandhi "the greatest consumer advocate the world has seen" for advancing the concept that commercial enterprise should serve the consumer and that the consumer should expect to be served by business. Vinoba Bhave and Jayaprakash Narayanan, two great proponents of Gandhi's philosophy, and V.V.Giri and Lal Bahadur Shastri, contemporary Indian president and prime minister, similarly expected the business community to regulate itself as an expression of responsibility to contribute to society. These ideas were developed by some business leaders.

Consumer co-operative movement has originated from Britain. Twenty eight weavers joined together and started a consumer society known as *Rochdale Society of Equitable Pioneers* at Rochdale in 1844 to protect themselves against the exploitation of unscrupulous traders.[72] The success of the Rochdale Stores led to the growth of the movement throughout the world. The

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[70] *Ibid.*,p.79.
[71] Rai, Ajay Shanker, *Gandhian Satyagraha : An Analytical and Critical Approach*, New Delhi , 2000, p. 35.
[72] Sidney & Beatrice Webb, *The Consumers' Co-operative Movement*, Oxford, 1930, p. 5.

movement gained importance in India in 1912 when Cooperative Societies Act was passed. However the cooperative could not become successful before the First World War. Consumers cooperative were described as 'War babies' as it gained importance during was period. But this movement has not succeeded in its attempt to protect consumers. It is a social movement seeking to augment the rights and powers of the buyers in relation to sellers. Consumerism is a social force within the environment designed to aid and protects the consumers by exerting legal, moral and economic pressures on business. Thus consumerism is a social movement initiated by the public and voluntary consumers' organizations, which pressurize the government to adopt necessary legal measures to protect their interests.

The consumer Protection Act 1986 was enacted for the protection of the interests of the consumers by providing cheap, speedy and efficacious remedy. This enactment is a beneficial legislation enacted for the redressal of the grievances of the poor consumers –Forums generally take liberal view in favour of the consumers. In European countries the period of substantial development in the consumer protection laws began during 1960 and their main purpose was to prevent trading abuses caused due to imbalance of power between the ordinary persons and the producers of goods and service providers. In 1973 the consumer organizations supported the entry of Britain into the European Economic Community. In 1975 a specific programme for consumer protection was approved by the Council of Ministers of the Community. In this respect the President of the Commission of the European Communities observed that we must make the community a practical reality in terms of everyday life. In 1980, the UN Secretary General emphasized that international cooperation with regard to consumer protection is needed because the development of consumer protection policies no longer require that measures be taken only at the national level.[73] Last quarter of the twentieth century witnessed the most vibrant consumer movement leading to the adoption of necessary guidelines by the UN General Assembly and special legislations by various countries in all parts of the world. Under the guidelines, consumer protection encompasses seven areas: Physical safety; protection and promotion of the consumer economic interest; standards for the safety and quality of consumer goods and services; distribution facilities for consumer goods and services; measures enabling consumers to obtain redress; measures relating to specific areas (food, water and pharmaceuticals) and consumer

[73] United Nations, *Guidelines for Consumer Protection (as expanded in 1999),* Geneva, 2001, p.47.

education and information programmes. These guidelines were for the use by member countries to incorporate through policy changes or law. Soon after the adoption of the UN guidelines, India enacted this Act.

After the enactment of the Consumer Protection Act 1986 the Consumer movement in Tirunelveli had received a boost, which was a milestone in the history of socio-economic legislation in India.[74] A number of changes had taken place in the Tirunelveli market and legal regime since the enactment of this law. The Act enshrined various rights to safeguard the consumer, which include: Protection against marketing of goods/services which are hazardous to life/property; information about quality, quantity, potency, purity, standard and price of goods/services to ensure protection against unfair trade practices; assurance, wherever possible of access to variety of goods and services at competitive prices; redressal against unfair trade practices, and so on. To bring practical effectiveness to the provisions of the Act and assist the consumer for safe-guarding their rights by extending all kinds of help and support to the consumers at the moments of their harassments, miseries and exploitations caused by the unscrupulous traders/businessmen, Government have established District Consumer Redressal Forums at each district including Tirunelveli and State level Commissions at State head quarters l under the provisions of Consumer Protection Act, 1986 which are giving relief to the consumers by hearing grievances.[75] The Apex National Forum functioned in Delhi; As on 2012, there were 543 district forums. All these courts had handled nearly thirteen lakhs cases of which about ten lakhs cases have been disposed of. The disposal of seventy seven percent of the cases was not a mean achievement. However, it should be noted that only twenty seven percent of the total number of cases have been disposed of within the normal prescribed period of ninety days or 150 days. This fact really caused concern for the government and the consumer in general. The National forum had identified the reason for the slow disposal and had come out with suggestions for amending the Act with a view to improve the disposal rate within the limit prescribed in the Act. A number of changes had taken place in the Tirunelveli region and Indian scenario since the enactment of this law. Even the Act of 1986 had undergone number of amendments in the year 1991. This Act had been further amended exhaustively in the year 1993 vide Amendment Act No 50 of 1993. By this amendment the period of limitation had been

[74] *The Consumer Protection Act, 1986*, New Delhi,2005, pp.90-97.
[75] Ibid.

prescribed by inserting Section 24-A. pecuniary jurisdiction of the redressal agencies under the Act had been enhanced by the latest the Amendment of 2002. [76]

Establishment of Consumer Welfare Fund was an important milestone in the development of consumer movement as nothing could be done without funds.[77] The Central Excise and Salt Act, 1944 was amended in 1991 to enable the Central Government to create the Consumer Welfare Fund for the welfare of the consumers. For establishing a Consumer Welfare Fund with the State/UT Government as per the guidelines worked out under Central Consumer Welfare Fund Rules into which credits of amount of seed money from Central Consumer Welfare Fund, as well as Court fees accrued with District and State Consumer Forums, and any penalty ordered to be paid by the manufacturer of consumer products or Service providers, shall be accredited. Assistance provided by Central Government for strengthening consumer Movement in the state was credited to this fund. Consumer Welfare fund rules were notified on 25 November, 1992. The overall objective of the consumer Welfare Fund was to provide financial assistance to promote and protect the welfare of the consumers and strengthen the voluntary consumer movement in the country particularly in the rural areas.

There are various schemes that were funded from the consumer welfare fund. Conducting of National seminars is one such activity. The increase of globalization and the resulting integration between the domestic and international markets had changed the landscape of consumer interaction in terms of products, services, tastes and preferences. The consumer needs both awareness and protection and this was ensured by the effective implementation of existing legislations supplemented by new legislations as required. Further, identification of future challenges was necessary, so that there was a planned and strategic approach rather than a knee jerk reaction to newer issues and problems in the field of effective understanding and implementation of consumer rights. Thus, it became paramount to evaluate current challenges under the Consumer Protection Act, to understand the inconveniences faced by the consumer and thus press for the required policy and legislative changes to ensure that the consumer was both aware and empowered.

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[76] *Ibid.*,pp.124-126.
[77] *Ibid.,*pp.127-130.

In Tirunelveli district nearly four decades of experience with the operation of the CPA showed its popular acceptance and the legal preference of injured consumers to enforce their rights under it. The CPA commanded the consumer's support because of its cost-effectiveness and user-friendliness. In fact, the CPA created a sense of legal awareness among the public and at the same time, brought disinterest to approach traditional courts, especially on consumer matters. It had changed the legal mindset of the public and made them think first of their remedies under the CPA, regardless of the nature of their case. In short, the CPA had instilled confidence among the "teeming millions" of impoverished litigants. The way in which the consumer forums were flooded with cases and the mode in which these cases were being disposed off creates an impression of judicial populism in India in the arena of consumer justice.

The greatness of the CPA lied in its flexible legal framework, wider jurisdiction and inexpensive justice. One can find in the CPA a mixture of principles of torts and contracts. Simply speaking, it was a shorthand term to indicate all the many different aspects of general law. Basically, the CPA liberalized the strict traditional rule of standing and empowering consumers to proceed under the CPA. Consumer groups, the central or any state government are all empowered to lodge complaints under the CPA. This liberalization showed the care that had been taken to represent and fight for the cause of weak, indifferent and illiterate consumers. The novelty of the CPA was the inclusion of both goods and services within its ambit. The consumer can bring suit for defective products as well as for deficiency of services. In the event of any deficiency, all services, whether provided by the government or private companies was questioned under the CPA. The CPA also liberalized rigid procedural requirements and introduced simple and easy methods of access to justice. To proceed under the CPA, the consumer needed only to pay a nominal fee and were not bound to send any notices to the opposite party. A simple letter addressed to the consumer forum drew enough attention to initiate legal action. Another major procedural flexibility was the option the consumer had to engage a lawyer. If the consumer preferred, he represented himself. The simple measures of action drove consumers to avail themselves of the benefits of the CPA.

In Tirunelveli district the CPA had initiated a legal revolution by ushering in the era of consumers and developing a new legal culture among the masses to take recourse under the CPA regardless of their grievance. The Consumer Disputes Redressal agencies, the National Commission, the State Commission, and the District Fora were working together in a way that

was revolutionizing the present Indian legal system and challenging the traditional system of delivering justice.[78] With easy access to the courts guaranteed by the CPA, consumers now waged legal battles against unscrupulous traders or service providers without any hesitation. The Indian government was also taking an active interest in protecting consumer rights and promoting effective consumer movements. In 2003, the Planning Commission of India identified Consumer Awareness, Redressal, and Enforcement of the Consumer Protection Act of 1986 as a priority, and as a result, a national action plan was prepared. [79]

The consumer forums created by the CPA had proven to be effective, disposing of thousands of cases with few legal formalities, and leading the way toward well-founded consumer jurisprudence in India. The traditional Indian legal system, in addition to a huge backlog of cases, was experiencing a litigation explosion in the area of consumer protection. According to one report, the total number of consumer cases pending in different forums were 359,469 as of June, 2012. [80]Around 45,798 cases had been filed before the national commission since its inception. At present, 8,884 cases were pending disposal. The huge backlog of consumer cases before consumer forums was forcing the Indian legal systems to think of alternatives for speedy disposal of consumer cases. The Indian consumer laws were committed to working for the welfare of consumers in Tirunelveli through new legal innovations.

The Tirunelveli District consumer organizations had linkage with the Consumers International (CI), the world federation of consumer groups, through Federation of Consumer organizations Tamilnadu and Pondicherry (FEDCOT). Consumers International is based in London and it was founded on 1 April 1960. It has currently over 220 member organizations in 115 countries around the world, the organization continues to build a powerful international movement to empower and protect consumers everywhere. In campaigning for the rights of consumers across the world, CI seeks to hold corporations to account and acts as a global watchdog against any behaviour that threatens, ignores or abuses the principles of consumer protection. The organization was first established in 1960 as the International Organization of Consumers Unions (IOCU) by national consumer organizations.[81] The original members recognized that they could build upon their individual strengths by working across national

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[78] Ibid.,
[79] Government of India, *Annual Report 2003-2004 of Planning Commission* , New Delhi,2004, p.10.
[80] Vijayalakshimi, B., *Historical Evolution of Consumer Protection and Law in India*, New Delhi, 2006, p.105.
[81] Ganesan.G., and Sumathy.M., *Globalisation and Consumerism: Issues and Challenges,* New Delhi, 2012, p.36.

borders. The organization then rapidly grew and soon became established as the voice of the international consumer movement on issues such as: product and food standards, health and patients' rights, the environment and sustainable consumption, and the regulation of international trade and public utilities.

The founding of IOCU was initially planned by Elizabeth Schadee, who would later chair the board of Holland's Consumentenbond, and Caspar Brook, who was the first director of the England's Consumers' Association.[82] The two proposed an international conference to make plans that consumer product testing organizations worldwide should work more closely together. The United States organization Consumers Union provided US$10,000 at the direction of Colston warne to help fund the event. In January 1960, these three organizations sponsored the First International Conference on Consumer Testing in The Hague. Thirty-four people representing seventeen consumer organizations in fourteen countries attended to discuss product testing and founding the International Organization of Consumers Unions as an international organization. Belgium's Association des Consommateurs and the Australian Consumers' Association joined the three conference sponsors as the five founding organizations who would provide representatives for the international organization's initial council.

There are eight basic consumer rights.[83] The first one is the right to satisfaction of basic needs such as access to basic, essential goods and services, adequate food, clothing, shelter, health care, education, public utilities, water and sanitation. The second one is the right to safety. This protects consumers against products, production processes and services which are hazardous to health or life. The third one is right to Information. This gives consumers the facts needed to make an informed choice, and to be protected against dishonest or misleading advertising and labelling. The fourth one is the right to choice. This enables consumers to select from a range of products and services, offered at competitive prices with an assurance of satisfactory quality. The fifth one is the right to heard. According to this right, consumer interests should be represented in the making and execution of government policy, and in the development of products and services. The sixth right is that of redressal. This enables

[82] Matthew Hilton*, Globalising Consumers: the History of Consumerism as a Socio-Political Movement*, Oxford , 1989, p.78.
[83] Antony, M.J., *op. cit*., 1990, p.22.

consumers to receive a fair settlement of just claims, including compensation for misrepresentation, shoddy goods or unsatisfactory services. The seventh right is the right to consumer education. This enables consumers to acquire knowledge and skills needed to make informed, confident choices about goods and services, while being aware of basic consumer rights and responsibilities and how to act on them. The eighth one is the right to have a healthy environment. This enables consumers to live and work in an environment that is non-threatening to the well being of present and future generations.

CI supports and represents over 220 member organizations in 115 countries around the world. About two-thirds of member organizations are in developing countries, the other third in industrialized countries. These members include a wide range of different independent consumer organizations and government organizations. Some independent member organizations are long-established, with hundreds of staff and millions of their own members, whilst others are semi-voluntary associations providing information and advice about basic services in some of the world's poorest countries. CI also works with and hosts the Transatlantic Consumer Dialogue (TACD) – a forum of US and EU consumer organizations that develops and agrees on joint consumer policy recommendations to the US government and European Union to promote the consumer interest in EU and US policy making – at its office in London. [84]

On 15 March 1962, US President John F. Kennedy gave a speech on consumer rights which led to the creation of the Consumer Bill of Rights. Consumer rights activist Anwar Fazal later proposed the observance of a World Consumer Rights Day marking that date, and on 15 March 1983 consumer organizations began observing that date as an occasion to promote basic rights of consumers.[85] World Consumer Rights Day is an annual occasion for celebration and solidarity within the international consumer movement. Participants observe the day by promoting the basic rights of all consumers, demanding that those rights are respected and protected, and protesting about the market abuses and social injustices which undermine them.

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[84] Sim, Foo Gaik (1991). *IOCU on record : a documentary history of the International Organization of Consumers Unions, 1960-1990,* Yonkers, N.Y.,p.36.
[85] *Ibid*.,p.23.

One of CIs renowned campaigns was 'Bottles, not bullets, are causing the deaths one million babies each year**.'** [86] In 1979, CI and other groups of citizens formed the International Baby Food Action Network (IBFAN) to eradicate the death and disease affecting millions of developing world babies as result of consuming bottle-fed formula milk. The unchecked spread and misuse of deadly pesticides led to CI's co-founding of the Pesticide Action Network (PAN), in 1982. Uniting more than 300 organizations in some fifty countries, PAN campaigned against toxic pesticides and unethical marketing practices, whilst promoting effective controls and, wherever possible, safe alternatives. Despite strong opposition from pesticide-exporting companies, PAN succeeded in preventing the export of banned or restricted pesticides without the knowledge and consent of governments in importing countries. In 1981, CI also co-founded Health Action International (HAI). An informal network of some 120 consumers and public interest groups, HAI engaged in worldwide campaigns for the safe, rational and economic use of pharmaceuticals. At the 41st World Health Assembly in 1987, HAI organized a large lobby of delegates to urge stronger controls on advertising by the drugs industry. Drug exports by European Economic Community (EEC) member states were studied by HAI Europe, as many drugs were being shipped to developing countries after being banned for sale in Europe. HAI participants built a campaign against these potentially hazardous double standards and received broad support from virtually all major political groups in the European Parliament. Another significant feat of the CI was that the seminal international document of the consumer movement- the United Nations Guidelines on Consumer Protection**-** was adopted by the United Nations in 1985, after ten years of CI campaigning. This gave important legitimacy to the principles of consumer rights and practical support for developing national consumer. Undoubtedly, in the past fifty years CI has made many remarkable achievements in fostering consumer rights and protection globally and getting recognition of the United Nations (UN), European Union(EU), World Trade Organization (WTO), World Health Organization (WHO) and many more international organization under their governing charter, convention or treaty.[87]

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[86] Report of the Consumer International- 50 years of the Global Consumer Movement, London, 2010, p.4.
[87] *Ibid.,* p.12.

CHAPTER II

ORIGIN AND DEVELOPMENT OF CONSUMER MOVEMENT AND EDUCATION IN TIRUNELVELI DISTRICT

The consumer movement in Tirunelveli district cannot be viewed in isolation rather it is viewed as part of the Indian consumer movement. The Indian consumer movement historically can be viewed historically in two stages. The first stage consisted of what happened before the enactment of Consumer Protection Act of 1986 and the second stage consisted of all that happened after the enactment. Looking at Indian scenario, the formation of the Passengers and Traffic Relief Association and the Women Graduates Union Bombay in 1915 are the two important pioneering attempts with regard to the origin of consumer organizations. These came into existence much before the Indian independence and the enactment of Consumer Protection Act of 1986. With regard to Tamilnadu, the formation of the Triplicane Urban Co-operative Stores (TUCS) in Chennai during the year 1904, as the first consumer cooperative society, was an important milestone.[1] This had grown into a cooperative consumer society with nearly 150 branches spread all over the Chennai city. The consumer Protection Council in Madras founded by Rajaji is still in existence. The real beginning of consumer movement in terms of sustained, visible and continuing expansion was during the sixties only with the formation of The Consumer Guidance Society of India, All India Bank Depositors' Association, Bombay, Civil Trust , Bombay, Surat Consumer Association and Jyoti Sangh Grahak Suraksha Vibad, Ahmadebad. [2] The Consumer Protection Council in Tiruchirappalli was formed in 1974 twelve years before the enactment of Consumer Protection Act of 1986. Jajie Mandanna, who established the Karnataka Consumer Service Society in 1970 was instrumental in the formation of the country's first consumer protection board. Mandanna's book titled the Indian Market place is one of the earliest books on consumer protection.

Non- Governmental Organizations (NGOs) of this type were those associations of people which aim at promoting the welfare of the public without any profit motive. They were voluntary bodies having a constitution and rules of their own, and are free from government interference.

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[1] Mishra, S.K., Puri, V.K., *Indian Economy*, New Delhi, 2001, p.75.

[2] Velmurugan, M., *History of Consumerism*, New Delhi. 2005, p.19.

They depended on donations and partly on government assistance. NGOs dealing with consumer problems were known as consumer associations or consumer organizations. The role of NGOs had become increasingly more significant over the last two decades. There are now more than 800 such organizations in India.[3] These organizations were registered under the Societies Registration Act or the Companies Act or as Charitable Trusts. NGOs had undertaken various activities as part of the consumer movement. They performed several functions, like creating awareness about consumer rights and educate the general public about consumer problems and remedies through seminars, workshops and training programmes, providing legal aid to consumers by way, of assistance in seeking legal remedy, undertaking advocacy of consumers' point of view as representative members of consumer protection councils and others official boards, arranging comparative testing of consumer products through their own testing apparatus or accredited laboratories so as to evaluate the relative qualities of competing brands and publishing the test results for the benefit of consumers to become informed buyers, publishing periodicals and journals to disseminate information among readers about consumer problems, legal reporting and other emerging matters of interest. Most of these periodicals did not accept advertisements from business firms. They also made suggestions and recommended steps which were considered by government authorities in policy making and administrative measures adopted in the interest of consumers. Some NGOs had successfully used Public Interest Litigation (PIL) to enforce consumer rights in several cases. In other words, NGOs had filed cases in law courts in the interest of the general public, not for any individual.

Non-Governmental Consumer Organizations were basically non-profit, non-political in most cases, non-regulatory, independent advocacy groups promoting consumerism in India. Although they lacked statutory powers, they extended a critical support network for consumers when someone was found to be a victim of corporate malpractice and/or deceit. These organizations gave confidence to consumers that they were not alone in their fight for justice. They gave the assurance to consumers that they had the support of powerful and determined social organizations that could organize protest rallies against corporate entities no matter how powerful they are, or lobby the government or other statutory agencies to take notice of consumers' grievance. Consumer organizations improved the awareness level of consumers about rights and advised them on the legal recourse they could take when consumer rights

[3] Ibid.

were violated. These non-governmental consumer organizations collaborated with one another among themselves at district, state and national levels. A movement can never be built in an isolated manner. Only when they organize and support one another they are able to function effectively and their voices could be heard and policy changes could be brought about. The following are some of the salient consumer protection and advocacy groups working at the all India level which extend their helping hand to consumer problems in Tirunelveli district and consumer organizations in Tirunelveli District.

Consumer Coordination Council (CCC) was established in 1993 under the Societies Registration Act 1860.[4] Consumer Coordination Council (CCC) had been a stalwart proponent of good governance. In 1996, CCC launched a national campaign on citizens' charter to implement transparency, accountability, standards of service and a public grievance redressal system at the government level. CCC had made notable achievements in influencing the making of laws, governmental policy decisions, and providing administrative infrastructure for protecting consumer interest. It also served as an umbrella organization for all other consumer NGOs in India.

Consumer Guidance Society of India (CGSI) was founded in 1966 to eliminate all possible forms of consumer exploitation.[5] It is one of the oldest consumer organizations in the country and has been instrumental in lobbying the government to pass a consumer protection act. It had been a member of Consumers International for several years and seventy percent of the consumer complaints received by it have been resolved. CGSI had been instrumental in promoting consumerism by publishing its flagship monthly periodical "Keemat", performing product testing, providing consumer education at the grass root level such as schools, and giving legal guidance to consumers with grievances. It won the national award for consumer protection in 1991 for its long, dedicated and effective services to consumers.

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[4] *Ibid*., p.37.

[5] *India Today*, Consumer Guidance Society of India Warns about Hazards Caused by Cell Phones, Credit Cards, dated 10 June 2002.

Citizen Consumer and Civic Action Group (CAG) was established on October 7, 1985. Citizen Consumer and Civic Action Group (CAG) had grown out to be one of the country's leading consumer advocacy groups.[6] Instrumental in running campaigns for greater access to information, improved functioning of public utilities, greater transparency and accountability in governmental and private sector functioning, and protection of our open spaces and natural environment, CAG played a vital role in the growth of consumerism in our country. CAG specialized in attending issues that affect the common man's life such as lack of hygiene, pollution of our natural resources, inaccessible healthcare facilities, corruption and lack of accountability for the government revenue from tax sources. CAG had been a member of Consumers International since 1990.

Association for Consumers Action on Safety and Health (ACASH) is a consumer organization that focuses on health-related consumer issues.[7] It had conducted programs for the general public promoting consumer rights and overall dispersion of information regarding consumer safety. Founded by a group of doctors, lawyers and other eminent personalities, ACASH today helps consumers in India through education & awareness, training, developing IEC (Information, Education and Communication) material, networking, advocacy and lobbying and follow-up action. A member of Consumers International since 1990, ACASH is also a member of Globalink, International Network of Women Against Tobacco (INWAT), International Baby Food Action Network (IBFAN), International Lactation Consultant Association (ILCA), World Alliance for Breastfeeding Action (WABA), Health Action International (HAI), Breastfeeding Promotion Network of India (BPNI), All India Drug Action Network (AIDAN), Bureau of Indian Standards (BIS) and Voluntary Health Association of India (VHAI).

Consumer Education and Research Centre (CERC) protects consumer interest in India through consumer research, campaigns through media, creation / monitoring / enforcement of effective consumer laws, consumer advocacy and information dissemination.[8] An apolitical outfit, CERC has research facilities recognized by the Indian government, and the United

[6] Cecilia, S., *Consumer Culture*, New Delhi , 2004, pp.56-57.

[7] Ibid.

[8] Velmurugan, M., *op.cit*., pp.24-27.

Nations has approved CERC as an NGO. CERC's mission includes environmental protection, creating transparency and accountability in the public and private enterprises and agencies in our country, resolving individual consumer complaints, ensuring consumer safety through product research, consumer education, awareness campaigns and product test results dissemination.

The Consumer Protection Council (CPC) is a consumer organization that is non-affiliated to any statutory agency.[9] It should not to be confused with the governmental bodies established as per the Consumer Protection Act 1986. It was instituted in Ahmedabad, the CPC has been instrumental in undertaking consumer issues such as consumer safety, traffic safety and pedestrian safety. It had effectively and successfully pursued legal battles against governmental agencies when they neglect or fail to carry out their duties to the tax payers. CPC had been a member of Consumers International since 1986.

Consumer Unity and Trust Society (CUTS) originated from a rural background in Rajasthan.[10] It operates five program centers in India, an advocacy center in New Delhi, and resource centers in several international locations. CUTS's consumer work is focused on consumer protection and consumer safety. With about 20,000 square feet office space, 140 employees, and affiliation to / recognition from major national and international consumer agencies, CUTS is truly equipped to be the champion of consumer causes in our country. It publishes a monthly 'Gram Gadar' which has been effective in ensuring justice for oppressed social masses. CUTS had been a member of Consumers International since 1990.

Consumers Association of India (CAI) was established on the world consumer rights day to be a powerful lobby for the consumer.[11] It has successfully and determinately taken up the mission to spread awareness among consumers, educate them about their responsibilities and rights and to ensure that the consumers' voices can be heard. In the past six years, CAI had successfully settled over ninety eight percent of the 7500 complaints it had received through arbitration. For the remaining two percent CAI had supported the consumer in pursuing the

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[9] Mishra, S.K., Puri, V.K., *op.cit*. pp. 77-78.
[10] Ibid.
[11] Velmurugan, M., *op.cit*. pp. 28-29.

complaint through the Indian legal system. CAI had been a member of Consumers International since 2003.

Consumers' Forum is one the consumer organizations that existed in India long before the Consumer Protection Act 1986 was passed. [12]The mission of the organization, at its start, was to promote consumerism by making aware, training and educating the consumers on their rights. This was particularly necessary when there were no stalwart laws in our country to protect the consumers. The forum provided free advice to consumers, conducts brain storming sessions on matters related to consumer protection and ensures the representation of consumers in national, state and district level consumer courts and legally mandated consumer protection councils. Consumer Forum has been a member of Consumers International since 1996.

Mumbai Grahak Panchayat (MGP), or Bombay Consumer Forum, started as an agitation against the increase of consumer prices near festival season for fair and free distribution of consumer goods. [13] The distribution system that flourished was registered under the Indian Societies Registration Act 1960 and Indian Public Trust Act 1950 in the name of MGP. MGP promotes consumerism by bringing the consumer to the forefront of the logistics and supply chain of consumer goods as decision makers, executors and monitors. MGP's primary objectives include organizing the consumers for common causes, educating them and protecting consumer interest through legal and other means.

Voluntary Organization in Interest of Consumer Education (VOICE) strives to be the voice of and for the consumer that the governments and other statutory / regulatory bodies of the country seldom hear.[14] The primary focus of this NGO was to establish informed consumers in India. Information dispersed to consumers through VOICE includes corporate negligence / misconduct on issues such as consumer safety or customer satisfaction, your rights as a consumer to get value for your money, and the recourse that can be taken if your consumer rights are defied. Founded by students and teachers of the University of Delhi in 1983, it was registered as charitable public trust in 1986, the same year the consumer protection act came into being.

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[12] Ibid.
[13] Cecilia, S., *op.cit.* pp. 67-68.
[14] Mishra, S.K., Puri, V.K., *op.cit*.p.98.

Grahak Shakti works towards creating consumer awareness by organizing various programs, street plays and on shows such as 'Hello Geleyere'.[15] The organization had undertaken a number of surveys like the one on spurious drugs in coordination with the Drugs Control Department – Government of India. Its campaign on credit cards and effective liaison with the regulator was an effective way to warn the erring bankers to conduct business ethically. It also participated in joint raids in coordination with the Department of Legal Metrology and some oil companies to check malpractices related to weights and measurement, adulteration and pilferage.

In Tamilnadu, there is one organization that co-ordinates the activities of all the consumer associations. This is known as Federation of Consumer organizations in Tamilnadu and Pondicherry. Its acronym is FEDCOT.[16] FEDCOT is a unique Non Governmental Organisation in the sense that it is both an organization and a movement. High spirit of voluntarism present in FEDCOT has kept up the high morale in the Double faceted consumer federation. With a view to decentralize power and to encourage wider participation of talented people in the running of the Federation, various directorates have been created with independent charge. From 1992, a number of training programmes ranging from consumer awareness programmes to highly specialized workshops have been organized to build up a strong base for informed consumer activists. FEDCOT had conducted four state level consumer conferences at Trichy in September 1992, at Madurai in February 1994 exclusively for women, at Chennai in March 1997 and at Salem in February 2001. FEDCOT has carefully cultivated a working relationship with the network of many Non Governmental organizations in India and Abroad. FEDCOT was adjudged as the Best Consumer Group among the Voluntary Consumer Organizations in the country for the year 1994 and received a cash prize of Rs. 50,000/- and a certificate of merit by the Government of India. FEDCOT in collaboration with CI- ROAP, Kualalumpur and UNICEF conducted Street Food Vending Survey in three major districts and Iodine awareness campaign throughout Tamilnadu respectively. FEDCOT has published a number of books such as the judgements of consumer cases in Tamil for the benefit of consumer organizations and people who are involved in consumer affairs.

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[15] Ibid.
[16] Annual Report of FEDCOT for the year 2010-2011, Cuddalore, 2011, pp.1-16.

FEDCOT is very dynamic in organizing several programmes in collaboration state level bodies and district level consumer organizations.[17] The Thiruvallur District Secretary organized a consumer awareness programme through Direct Telecast in Jack Television on every Sunday from 10 to 11 a.m. Opportunities are provided to consumers to clarify their doubts . This programme has been telecasted continuously for forty three weeks. A seminar on safe investment was organized on 8 May 2010 at Chennai Collectorate Hall Presidentship of Commissioner K.Rajaraman , I.A.S. A training programme on consumer problems was organized on 11 May 2010 for the staff of Government Hospitals, Cuddalore. Another programme was organized for government officials on 11 May 2010 at Tamilnadu Pollution Board at Guindy . On 12 May 2010 two days programme on food adulteration was organized at Chennai Savera Hotel for officials of various departments. On 14 and 15 May 2010, an awareness programme was organized about how to purchase gold and about the Hall marking procedure at Chennai. A rally was also undertaken at Mambalam, Chennai to create awareness about hallmarking. A meeting to felicitate the Nilgris District Secretary P. Natarajan was organized and he was awarded the title of Sevai Sudar. On 30 June 2010, in Chennai Collector office Hall , on behalf of FEDCOT Trainer Tamilselvi participated in a seminar on medicines and medical service. On 22 and 23 July 2010, FEDCOT in collaboration with Indian Standardization Committee organized a seminar on food adulteration. On 29 July 2010 the general secretary of FEDCOT participated in a television programme on how to purchase gold was telecasted on 13 September 2010. A discussion was organized with the Videocon Administrative officials to express the problems in the sales and service of Videocon products and ways and means of rectifying them was pointed out. On 7 October 2010, a meeting was organized in the Secretariat with the Food Minister, Secretary of the Department of Central Petroleum. Different oil company representatives participated in this. The Vice president and the general Secretary also participated and offered constructive suggestions .

On 13 and 14 November 2010, two days training programme on consumer awareness was organized at Dindigul Gandhi Gram . About 120 volunteers participated in this programme. The investigator organized this programme successfully. [18] On 26 November 2010 a training programme for self help groups was organized by Pioneer Trade Organization and this was

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[17] Ibid.
[18] Ibid.

conducted by FEDCOT. On 5, 6 and 7 of January 2011 three days training was conducted at Maraimalai nagar District Council Hall for government officials and all the speakers were from FEDCOT. On 25 January 2011 a training programme on RTI Act was organized by the Hindu College Pattabiram, Chennai. K. Murugan and D. Ramani of FEDCOT acted as the Resource persons for this programme. On 12 February 2011 Consumer festival was conducted at Chennai Loyola College. An interesting Debate was organized on the topic of men and women who are cheated easily. About 48 complaints were received by FEDCOT from different consumers. They were settled by letter correspondences with the concerned parties. FEDCOT has published the following books: A Safe Investment, A Training Manual for Consumer Volunteers and Consumer weapon.[19]

Freebies and prize contests have become the order of the day in a highly competitive market. Be it promotion of electronic goods or fast-moving consumer goods, everything comes with an attractive price tag. The festival season, beginning with Navaratri, has only further aggravated this fierce competition and free gift for every purchase and prize contests advertisements galore all around. FEDCOT has created a special cell to fight these unfair trade practices.[20] FEDCOT's State Chairman, P. Duraisingam, told that they have planned to move the Madras High Court and the State Consumer Grievance Redressal Commission against the free gifts and prize contests, as they violated the Tamil Nadu Prize Scheme (Prohibition) Act 1979. How can one allow such unfair trade practices in this State where the sale of lottery is banned asked Duraisingam, who listed out the negative aspects of such schemes and contests. The attractive offers such as dream houses will naturally induce the common man to make an unnecessary purchase of products. He also suspected the genuineness of the methodology adopted to select the winners of competitions. Who conducts it, when, where and how is a big question. Pointing to a prize competition of a soap company offering houses and clocks worth Rs.1.25 crores as prizes, he said that their guess was that they spend at least a few crores on advertising this offer itself.[21] He questioned the source of the huge sum. It is natural that the expenditure on advertisement and prizes will also fall on the shoulders of the consumer. Despite the presence of over 400 consumer protection associations in Tamil Nadu, the State witnesses

[19] Ibid.
[20] Ibid.
[21] *The Hindu*, High Court to be Moved Against Companies Prize Contests, dated 7 October 2005.

more such practices than elsewhere. In some cases, companies from other States come here with contests, whereas nothing of that sort happens in their home States. The lackadaisical attitude of the State police is one of the reasons for this. Whenever our members try to lodge a complaint, it is rejected. These cases are not in the list of priorities. The District Supply Officer, who is also the District Consumer Protection Officer, should handle these cases suo motu without anyone preferring complaints. Last year, the FEDCOT issued notices to sixty one companies that violated the Tamil Nadu Prize Scheme (Prohibition) Act, among whom twenty five withdrew their offers. Police complaints were preferred against forty seven companies in the State.

Creating awareness among government officials was sought as one of the approaches to strengthen the consumer movement. This was undertaken because they are educated and they could be easily organized. Moreover they hold the position of power and they are in constant touch with the common people. In this connection FEDCOT envisaged that they should be invited to become part of the consumer organizations. Therefore they invited them to become members by different consumer organizations. The response of the interested government officials was that they could not become members of voluntary organizations as there was a general government order prohibiting them from becoming members of such organizations. Therefore a representation was made by the secretary of FEDCOT to the Government of India to request it to issue specific instructions to the effect that Government Servants can also take up leadership as office bearers of the consumer organizations with intimation to their respective Head of Department.[22] When opinion was sought on this, the special Commissioner of Civil Supplies and Consumer Protection had also recommended the request of the Secretary of FEDCOT.[23] The Government of India had directed that a Government Servant , who wanted to become an office bearer of any consumer organization, can become so but should get previous sanction from the Government in terms of the Rule fifteen of the Tamilnadu Government Servants (Conduct) Rules , 1964 and the individual should ensure that his / her activities do not attract the provisions of any Conduct Rules. [24] The Government of Tamilnadu carefully examined the request of the General Secretary, FEDCOT . Accordingly it directed that the Government servants shall participate in the Consumer Movement , subject to the condition that

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[22] Letter of the General Secretary, FEDCOT,Cuddalore, Lr. No.744, dated 3 July 1995.
[23] Letter of the Special Commissioner and Commissioner of Civil Supplies and Consumer Protection, Lr No.CP/31265, 26 December 1997 and 28 August 1998.
[24] The Government of India, letter No 27/10 -98 CPU, dated 21 July 1995.

their official duties should not be affected because of their participation and that prior permission of the Government of Tamilnadu wherever necessary , should be obtained under the Tamilnadu Government Servants Conduct Rules , 1973 by the concerned Government Servants.[25] Moreover it was made clear that they should not accept any remuneration for their service in consumer organizations.

It is useful to note that a Workshop on consumer protection and allied services was held at Tirunelveli District Collectorate on Thursday for government officials. Inaugurating the workshop, District Revenue Officer G. Srinivasan said that the government officials should clearly understand various aspects of Consumer Protection Act, rights of consumers etc., so that they could discharge their duties without fault. It was found easy to make the government officials aware of their consumer rights as they are an educated and enlightened group. Tirunelveli district coordinator of Federation of Consumer Organisations — Tamil Nadu and Pondicherry (FEDCOT) G. Venkatachalam spoke on Consumer protection laws and rights of consumers while the investigator explained the salient features of Right to Information Act, 2005. Ganapathi Subramanian spoke on Personality development. Tirunelveli District Supplies Officer and Consumer Protection Officer N. Sukumar clarified the doubts of the participants.[26]

Besides wiping out the protein-rich traditional cereals of the land, food stuff made from genetically modified crop will also have a carcinogenic effect on consumers, organic farming expert G. Nammaazhvaar has warned. He was addressing a workshop on ‘Genetically modified food and consumers’ health’ organised in Tirunelveli[27] by the Federation of Consumer Organisations–Tamil Nadu and Pondicherry, the Consumer Research, Education, Action, Training and Empowerment and ‘Thanal,’ Thiruvananthapuram. He said the increased use of genetically modified seeds had resulted in higher expenditure for farmers, as they had to procure pesticides and fertilizer in large quantities, and consequently the pesticides and other chemicals used on the crops would have an adverse impact on the consumers, too. “The Dichloro-Diphenyl-Trichloroethane and chlorofluorocarbon, which were marketed as revolutionary

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[25] Government of Tamilnadu G.O. Ms. No. 142 Co-operation, Food and Consumer Protection (H2) Department , dated 18 June 1999.
[26] *The Hindu*, Workshop on Consumer Protection Held for Officials, dated 19 December 2008.

[27] The Hindu, Shun Genetically Modified Crops, dated 6 April 2008.

inventions, have now been banned worldwide after their harmful effects were realised. Similarly, the whole world will one day understand the destructive impact of the genetically modified crops and the food prepared from them. To protect themselves from these crops, the farmers should switch to natural farming. District Revenue Officer G. Srinivasan; FEDCOT chairman P. Duraisingam; Rev. Fr. Cruz Antony, parish priest of St. Xavier's Cathedral Church; and G. Venkatachalam, district coordinator of FEDCOT, participated. Speaking to reporters, Mr. Duraisingam said the government should fill the vacancies in all consumer redress forums across the State and immediately convene the meeting of the State Consumer Protection Council, which remains dysfunctional for the past four-and-half years.

Federation of consumer organizations in Tamilnadu and Pondicherry (FEDCOT) got split into two in 2008 and the VCOs attached with that federation have begun to quarrel instead of fighting for the cause of consumer protection. On 4 March 2012, there was a meeting at Tiruchirapalli for the unification of FEDCOT and the leaders of the Consumer Movement accepted the unification. Now FEDCOT is the umbrella organization of all voluntary consumer organizations in Tamilnadu having 360 members. FEDCOT, as a member of Consumers International had also obtained funds from it for its member organizations for different activities and programmes.

CONFET has been formed in 1991 and registered under the Societies Registration Act 1975. The focus of CONFET is creating awareness amongst all classes of consumers about their rights & duties and to empower the consumers. CONFET has close networking with Regional consumer movements like the following. [28] Bless –Cuddalore, CCC - Consumer Coordination Council, New Delhi, CAG - Consumer Action Group, Chennai , CAI - Consumer Association of India, Chennai, CCI Consumer Confederation of India, Tamil Nadu, Creed Centre for Rurral Education Empowerment and Development, Chidamarabam, Federation of Dalit Viliages for Livelihood Rights, Tamil Nadu, Peoples Watch, Madurai, Coastal Action Network, Nagapattinam, CATALYST TRUST, Chennai, Global Community Monitor, USA, Other Media, New Delhi, Tamilnadu Environment Council, Dindigul, Equation, Bangalore, Thozhmai, Chennai, SASY, Tindivanam, and Seeds - Socio-Economic, Empowerment & Education development Society, Tamil Nadu.

[28] Annual Report of CONFET for 2010-2011, Cuddalore, 2011, pp.1-10.

The programmes of such bodies are sincerely carried out and executed. The Regional, National and International Consumer Organizations have great confidence in CONFET and entrusted many works like Street Food Testing, Drugs Testing, Real Estates, etc. CONFET has the endeavour to work in tandem with other like minded consumer groups and NGOs in carrying forward CONFETs vision and mission.[29] CONFET has a long list of consumer groups under its network. CONFET has been tied up by the Government of Tamilnadu which is an agency of Government of India to open school consumer clubs. The CONFET is the Nodal Agency in Cuddalore District for such School and College Consumer Clubs. The assistance of the Education Authorities are taken. Under the directions Government the Consumer Club Coordinators from among the staff are appointed. Essay, quiz, singing, drawing competitions are held under the auspices of CONFET. The members of the above clubs engage themselves in conducting surveys, in celebrating and bringing awareness during the important days notified by the UN. CONFET had published books on the following titles.[30] Human Rights Act, India, Consumer Act 1986, India, Right to Information Act 2005, India, The Lokpal Bill, 2011, Domestic Violence Act and Indian Medical Association- Press Meet – Sipcot Pollution cancer-Issue.

The activities of CONFET are wide ranging on the following areas from the date of inception. CONFET is imparting training to consumer activists, lead organizations, Panchayat leaders, NGOs for preparing them to get readied for facing the challenges that they have come across. In particular Govt. Officials are also given training duly supported by Government Departments. The Women SHGs from the rural areas are also given training. School and College students are also brought under the training schedule. Especially the members of NSS, Rotaract and such other voluntary groups are brought under the training. During the training course materials are supplied to the participants. The Resource persons are drawn from the legal fraternity, educationists etc. CONFET is giving special attention to the art of advocacy. The CONFET is collecting the proposed bills that may be presented in the legislating bodies and making propaganda on the merits, demerits, amendments needed to be incorporated in the proposed Acts. The CONFET's future plan of action centre's around this concept. The traders and service providers are provided with

[29] Ibid.
[30] Ibid.

materials and information for providing quality and standard goods and services to the consumers. In this direction the help of the lawyers, experts in the respective fields are also availed. The Government agencies are also brought in this network so that they appreciate the petitions and representations of consumers. Efforts are also being made to include the Consumer activists in Statutory bodies. In order to provide a safe environment to people this has initiated action against Nuclear Power Project.

Voluntary consumer organizations offer substantial support to Government to the cause of consumer welfare and checking rights violations. There are general VCOs as well as consumer organizations that are focused on a specific sector. Currently, there are 112 general purpose VCOs that are registered with the Civil Supplies and Consumer Protection department. These VCOs have done good co-ordination work for implementation of consumer welfare schemes across the State and Government will be utilizing their good services for implementation of consumer schemes during current year also.

The following is a district wise list of 112 Voluntary consumer organizations enrolled in the mailing list maintained by the Commissioner of civil supplies and consumer protection.[31]

1.	Chennai North	11
2.	Chennai South	4
3.	Kancheepuram	2
4.	Thiruvallur	2
5.	Vellore	2
6.	Thiruvannamali	1
7.	Villupuram	3
8.	Cuddalore	9
9	Dharmapuri	1
10	Salem	5
11	Namakkal	1
12	Erode	1

[31] Mailing List, Commissioner of Civil Supplies and Consumer Protection, Chennai, 2011.

13	Coimbatore	7
14	Nilgris	1
15	Karur	1
16	Perambalur	1
17	Tiruchi	7
18	Thanjavur	6
19	Theni	2
20	Nagapattinam	4
21	Pudukottai	4
22	Dindigul	6
23	Thiruvarur	5
24	Madurai	5
25	Sivagangai	1
26	Virudhunagar	4
27	Ramanathapuram	2
28	Tuticorin	2
29	Tirunelveli	5
30	Kanyakumari	2
31	Krishnagiri	5
	Total	112

Source: Mailing list maintained by the Commissioner of Civil Supplies and Consumer Protection in December 2011.

It is reported that there are more than 300 Voluntary Consumer Organizations functioning in Tamilnadu. These organizations are steadily proliferating with all kinds of people in their fold and asserting their right. Most of them would like to get themselves registered under the Commissioner of Civil Supplies and Consumer Protection .Therefore it is stated that a policy is adopted with regard to registration. When a VCO applies for registration, the file is referred to the concerned Collector for verification. In case there is nothing adverse in the report of the collector the names and details of the VCO are entered in the Register. Only those VCOs who

are registered are eligible for financial assistance based on the recommendations of the District Collector. Though VCOs play an important role in spreading consumer awareness among the people in Tamilnadu, there are some bogus organizations which are more interested in asserting the rights of the consumers. It is therefore imperative that there should be formal process of filtration and classification of VCOs when they are registered. In this connection, the following courses of action have been decided as per G.O. Ms. No. 70 Cooperation, Food and Consumer Protection (H2) Department, dated 26 February 2004. [32] A Standing Committee consisting of the representatives of the Department of Civil Supplies and Consumer Protection and members drawn from reputed VCOs will be set up to screen the new applications for enrolment. The applicant VCO should have a legal entity, registered under the Societies Registration Act or any law in force. The registration should be current and the organization should produce the proof of the currency of registration and filing of the annual returns including accounts and statements up to the previous year to the competent Authority, the organization should have its statements audited regularly by Chartered Accountants. The applicant VCOs should have well defined objectives, a set of by laws, should not designate itself as a council or a Commission or a Forum and have its office bearers elected in a democratic manner. No one who is convicted or fined for any criminal offence on any ground should be enrolled as a member of the organization. The applicant VCO should be non political and non commercial and should be managed by a nonproprietary management. None of the elected office bearers should be in active politics and desirably twenty to thirty percent members of the organization should be women. The applicant VCO should not be run for profit of any group or individual but serve the general public without any distinction of caste, creed , colour, gender or religion. It should not collect money from business houses or industry by way of donations and advertisement charges though it may collect reasonable contributions towards the cost of service rendered by it from the respective consumers. It should not indulge in any threatening or intimidatory tactics while dealing with disputes or arrive at any unjust understanding with opposite parties of the disputes. It should not elicit or canvass for any candidate seeking election for political and professional bodies of trade unions. Lastly the VCO with a consistent track of working in the area of Consumer Activities

[32] Government of Tamilnadu, G.O. Ms. No. 70 Cooperation, Food and Consumer Protection (H2) Department, dated 26 February 2004.

for over ten years with published proof of services can be grouped as A grade VCOs, those with three to ten years of service record with B grade and the rest can be categorized under C grade.

The Consumer Protection Council in Tiruchirappalli had been one of the resourceful and dynamic NGOs in Tamilnadu. It had been a model for many consumer organisations in Tirunelveli District as well as in Tamilnadu. It had undertaken several consumer issues successfully. It is one the oldest one in India as well as in Tamilnadu . It has got its roots established in the year 1974, after the consumer councils of Bombay and Calcutta.[33] Founded in January 1974 by Rajiv Taranath, Dinamalar R. Krishnamurthy, M. Meenakshisundaram and S. Pushpavanam, it has grown from modest beginnings, and is today the rallying point for the consumer movement in Tamil Nadu. Its objectives are to inform itself about consumer's problems, to channelize consumer's grievances to officials, to educate consumers of their rights and help them exercise them and to protect consumer's interest in general. Starting with thirty members, the organization today prides itself with a total strength of 850 members. Its activities and focus on consumer protection have brought it into focus both at the national and international level. It has served as a member of the Central Consumer Protection Council, Government of India.

On April 26 1974, in the first General meeting of the Council Regional Transport Officer ordered the removal of air-horn.[34] In November secretary gave oral evidence before the Joint Select Committee of Parliament regarding Prevention of Food Adulteration Act. In December, the organization conducted a survey on the needs of Tiruchi-Madras Rail Passengers which resulted in two carriages getting added to Rock Fort Express. In 1979, 600 people demonstrated in front of air-conditioned cinema hall protesting against beating up of a member who demanded air-conditioning in the theatre during a film show. Collector ordered reduction in fare in case there was no air-conditioning. On April 14, 1980 this organization campaigned against adulteration, took samples and worked with Dr Murali, the Municipal Health Officer. This had created awareness among the public. In 1984, the representatives contributed to the discussion on the draft of consumer protection Act in New Delhi organized by Government of India, department of Civil Supplies. In 1986 this measured the noise pollution level at five different places in Tiruchi for 14 hours a day for 8 days and drew up noise pollution map of

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[33] Annual Report of Consumer Protection Council in Tiruchirappalli, 2010-2011, Tiruchi , 2010.
[34] Timeline Report on the Activities of Consumer Protection Council, Tiruchirappalli,1974 – 2009, pp.1.-25.

Tiruchi. This was followed by a meeting with government officials in which decision was taken to remove the air horns. On the complaint made by this organization in 1987 about irregularities in reduction sales, MRTP Commission intervened and warned the Textile Shop and the Textile Shop was made to give an undertaking to MRTP Commission.

The Toll collecting contractor for the new coleroon bridge kept the old bridge closed. This organization moved the Central Government to intervene and opened the old bridge for local traffic and stayed toll collection for it. One day First State Level Conference of consumer groups and individuals was organized. On April 24th 1988 Madras–Bombay Super fast train was introduced as a super fast train. Because of representation and pressures of this organization this train was re-designated as Express train. This organization was nominated to the Bureau of Indian Standards as the consumer representative from Southern States and to CPC. This team also had the privilege of meeting Ralph Nader and working with him for about a week in September.[35] In 1989 this enabled 150 BPC – LPG customers in Indian Oil Corporation to get themselves transferred when they complained of poor service. This obtained LPG Connections to 14 people who were denied for the past 5 years. This published a survey on tooth paste, quantity at National level. Moreover this conducted a survey at national level on the delivery system and delay in the operation of postal services. This conducted a survey at National Level on Telegram Services and published the findings and results for improvement. This obtained Rs. 20,000/- as compensation to a baby boy, when a doctor while injecting left broken needle inside for a day.

In 1990 this organization had represented India as one member-delegation in the International Standards Organisations in Florida, USA and visited standard Organizations in USA. This became a member of ISO working group to evolve ISO guide on product information and instructions for use. This conducted a survey on public telephones. This exposed loop holes in free rice distribution of Government of Tamilnadu and demanded its withdrawal in the State Consumer Protection Council Meeting in October. Food minister accepted their demand and withdraw the scheme.

In 1991, Rs.8,000 was awarded as compensation by state commission for a passenger who had to travel in an unreserved compartment to Bombay because a reserved ticket was given on a day in which the train did not run. Food minister announced the appointment of

[35] Ibid.

consumer organization representatives in vigilance panel for Fair Price Shops. [36]A Doctor apologies in Newspaper when a boy died in a twenty four hour nursing home which was unattended for four hours during which the boy died. In the same year courier companies and television companies were made to pay compensation for their defective service and goods respectively. The department of Southern railways passed orders for the allotment of 4 berths for Tiruchi in Madras Tuticorin Express because of their lobbying .The Department of Posts advanced the closure of Post-offices to six p.m. and therefore this organization campaigned and extended it to eight pm.

In 1992 ten rural consumer education camps were organized. With the aid of Central Government 100 Adulteration Detection Kits were prepared and distributed to all consumer groups in Tamilnadu. This organization was nominated to the working group on Public utilities commission to regulate public utilities like transport, power and communication. By the efforts of this organization Rs. 13,148/-was awarded as compensation by state commission as Railways evicted a passenger who had a confirmed reserved ticket to Bombay. This had persuaded the Union Minister of Telecommunication to nominate consumer organisation representatives in Telecom Advisory Committees all over India. As a followup, the Secretary and many others were nominated to Tamilnadu Telecom Advisory Committee. This won a compensation of Rs. 5.5 Lakhs from National Commission for the widow of a passenger who had a tragic death inside a bus belonging to the Tamilnadu transport corporation.

In 1993, under the pressure of this organization the Union Minister for Railways for the first time fixes the speed of fifty five kilometers per hour as the norm for super fast trains in India. Subsequently twenty three trains were deleted from super fast list in supreme court case filed by this organization. In 1994 this organization prepared the report on citizen's charter for the working group of Central Consumer Protection Council. This won several cases in District, state and National Consumer Commission Resolving over 200 complaints a year.

In the same year this had conducted a Regional Programme of Training of Trainees in association with consumer coordination council New Delhi for representatives of consumer organizations from South. This won a case in District Consumer Forum against City

[36] Ibid.

Cooperation Bank which refused to give the interest rate contracted as per Fixed Deposit Receipt. Bank was ordered to pay compensation plus interest. This organization did a survey on the impact of withdrawal/reduction of excise duty as several commodities in Union Budget widely published. This was nominated to central Consumer Protection Council.

In 1995 this was nominated member Doordharsan Advisory committee council and renominated to Telecom Advisory Committee. This had conducted state level training programme for eighty consumer activists at Tiruchi. This took up the case of Rehana Begum, a girl of eight years old for whom the needle broke and got struck inside while giving injection in Government Hospital. The doctor and the nurse were transferred. This won a case in National consumer dispute redressed commission against Railways when a passenger with confirmed ticket was detrained.[37] A compensation of Rs. 16,000/- was obtained for the passenger.

In 1996 this was elected to Governing Council of consumer coordination council an apex body of consumer organisations. This detected a cement adulteration unit at Thiruvanaikovil Tiruchi and civil supply police took action. This enabled the seizing of one bag of ration rice while it was being siphoned off. In 1997, this organization was nominated to Divisional Railway users consultation council. This organization under took a forty eight hour fast to draw the attention of the Department of Telecom for not insisting on the display of information about tariff and permitting excess collection by phone booths. This move had resulted in the necessary action by Department of Telecom.

In 1998 this organization had participated in an International Workshop on 'Public Administration / Issues of Governance' in Theodore Academy, Germany for a period of ten days. This studied functioning of Citizen's Charter in London at the delivery point for 3 weeks. This had celebrated Public Utilities Week and arranged a meeting by Chief General Manager Telecom, PMG Posts. Additional General Manager Southern Railway. This had obtained an order for compensation from Banking ombudsman for the first time in Tiruchi for a bank customer for his loss.[38] This organization took notice of two false money circulation schemes under the banner Green Glory & Thivya Jothi and stopped their operation completely and saved

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[37] Ibid.
[38] Ibid.

thousands of consumers from fraud. This had helped a Kumbakonam consumer by way of getting compensation from a courier from state consumer commission. This had also conducted workshop on citizens' charts on railways in Chennai association with consumer coordination council. This enabled a college student to get refund of the tuition fees he had paid and set a new trend. In the year 1999, this organization was invited by the Union Finance Minister for pre-budget consultation. This conducted a consultation meet on Citizen's Charter for Railways in Tiruchi – Additional General Manager inaugurated prepared the model charter. This had Participated in a live-phone-in Programme with Southern Railway General Manager for about one and half hours in Door Dharsan television Chennai answering questions from viewers on 13 February, 1999. This organization was able win a case and obtain a compensation plus sum assured amount of Rs.60,000 from Life Insurance Corporation for the family of Mrs. Rajalakshmi who died in an accident This had filed a case and won a compensation plus sum assured amount of Rupees 2.5. Lakhs from LIC for the family of Mr. Anand who died suddenly under the category of early claim Both in District Forum, Tiruchi.

In the year 2000, this organization was invited by Union Finance Minister for pre budget consultation of January 2000 in which two of their suggestions were accepted. This won a compensation plus sum assured for Rs. 1.5 lakhs to Mrs. Rajam in a case filed against LIC. This organization was nominated again to a Central Consumer Protection Council.[39] This detected 317 bogus cards in ration shop. This worked in Close association with District Administration to get 235 layouts approved in Tiruchi City. This trapped with the help of CBI, two Telecom Linesmen while they received bribe and gave witness to the act. Subsequently the lineman was dismissed. This organization was nominated as Member, Public Hearing on Pollution Control.

In the year 2001, this organization was invited again by Union Finance Minister for pre-budget consultation. This also campaigned for amendments to Consumer Protection Act through newspaper articles and in meetings. This won compensation for a Railway Passenger Stephen who could not board the train for want of information regarding cancellation of first class. This helped District Collector in Verification of electoral rolls with volunteers. This filed another 410 cases against Chinthamani on behalf of depositors and awarded refund and compensation in 283 cases. This got sundry deposit which was unpaid for eleven years from LIC to Lalitha through

[39] Ibid.

a case filed in Thanjavur District Forum. This won a compensation and return of money for a BHEL, Co-op Bank Customer who was defrayed by a Bank.

In the year 2002, this organization measured noise pollution with sound level metre and a noise pollution seminar with Seethalakshimi Ramasamy College was conducted.[40] Following these it also campaigned for ban on air-horn. It won a case against Kasi Housing Ltd., on behalf of Professor Usha Devi. It surveyed the distance of bus step from ground level and campaigned for reduction. It started a campaign for reduction of fax charges. In the year 2003, it published " A Handbook on Consumer Protection Act."at a function Chennai. C.Sitaram & co has sold two editions so far. In the year 2004, this organization won a case in National Commission against Chinthamani coop society for payment of deposits and also got a written agreement with Chinthamani coop society by which society would pay Rs. 7.5 lakhs every month to the depositors through the council towards Principal long denied. This also reduced Public fax charges from Rs.30 to Rs.10 per page. In the year 2005 this organization had won two cases against LIC and got back Rs. two lakhs and Rs.20,000 for policy holders. It also got a refund of 70,000 for defective air-conditioner. It also won a case against dealer for refund of defective television. In the year 2006 this organization had pressurized Chinthamani cooperative society to return to the 462 depositors a principal amount of Rs. 3.12 Crores.

The Trichy-based consumer protection council, filed a case before the district consumer forum on behalf of S Ramesh, whose wife Pushpalatha died in the hospital on October 16, 2006 due to heavy bleeding after delivering a baby boy. Secretary of the council S Pushpavanam had argued before the forum that the hospital had no facilities for a safe delivery. The bleeding started within one hour of delivery at 7.23 pm and it was only noticed around 8.30 pm, according to a cardiologist's report. The district consumer forum has ordered G V N Hospital on Babu Road in Trichy to pay a compensation of Rs two lakh to Ramesh whose wife died in the hospital on the day of admission due what the forum held as negligence and deficiency in service.[41]

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[40] Ibid.

[41] *The Times of India*, Consumer Forum Fines Trichy Hospital for Negligence, dated 8August 2012.

The importance of consumer associations in Tirunelveli district is manifold as they aim to protect different consumer rights . Consumer associations are important because of the following needs as expressed by Ganapathy Subramanian. [42] An important object of consumer association is the united fight of consumers against harmful and unsafe products produced by manufacturers and sold by traders. The examples of such products are medicines causing side effects, sold without any written warning, sale of stale products, etc. The next area is protection against Unfair Trade Practices. Businessmen do various unfair trade practices like overcharging the customers, using inaccurate weight and measures, selling inferior quality goods, resorting to black marketing, etc. Consumer movement protects the consumers from such malpractices. Protection against Pollution is another area of interest and concern of consumer organizations. Due to consumer movement, business organizations are under pressure to take the necessary measures to control air, water and noise pollution. These consumer organizations facilitate the coming together of consumers. It was very easy for business organizations to exploit unorganized customers. However, due to consumer movement, customers are collectively able to fight for their rights. Thus, consumer movement has succeeded in uniting and getting a fair deal for consumers from the business world. They also control on Monopolistic & Restrictive Trade Practices. Many Laws and Acts have been introduced to protect the interest of consumers against monopolistic and restrictive trade practices of businessmen. The main activity of consumer organizations is creating Consumer Awareness. Consumer movement creates awareness among consumers and educates them through lectures, seminar, workshops, media, public meetings, etc. regarding consumer rights. They also take care of timely Supply of Essential Commodities. Consumer movement has made it possible for consumers to form Consumer Co-operative Societies for production and distribution of essential commodities on co-operative basis so as to ensure their regular supply at reasonable prices. After sale service is provided by manufacturers and sellers to the customer even after effecting sales. Seller must provide after sale services in case of consumer durable products. The seller is supposed to undertake free repairs and maintenance of products sold during the warranty period. The awareness about this right of consumers has been brought through consumer movement. Moreover since consumers are now united, they are able to exert pressure on the government to enact various laws and introduce

[42] Personal Interview with Ganapathy Subramanian, General Secretary, Tirunelveli District Consumer Awareness Movement, dated 28 January 2011.

measures for consumer protection and so they act as advocacy groups. They also act as a link between Consumers and Business Community. Various consumers, by passing on consumer grievances and their suggestions to business organizations are getting justice for consumers. Various consumer protection associations help the consumer to get their complaints against malpractices of traders, redressed through Consumer Disputes Redressal Agencies or Civil Courts.

It is a fact that every one is a consumer and it is therefore important that everybody should unite together to protect our interests. The consumer associations are an ideal set up to come together to provide collective resistance against all kinds of associations. The main function of consumer associations are education and protection of the consumers. Many consumer associations are playing an important role in the direction of consumer protection. From the reports it is found out that the following voluntary consumer associations (VCOs) are registered with the office of the Commissioner of Civil Supplies and Consumer Protection in Tirunelveli district. [43]

1. Tirunelveli District Consumer Rights Protection Council,
   9, Kulappirai Street, Tirunelveli – 627 006
2. Tamil Nadu People Consumer Organization,
   14, Law Chamber, District Court Complex, Tirunelveli 627 002.
3. Consumer Protection Cell,
   16, Arasalwar Street, Sengottai, Tirunelveli District - 627 809.
4. Sankarankoil Taluk Consumer Rights Protection Welfare Scoeity,
   21/43, Kilavadi Vinayagar Koil Street, Sankarankoil 627 756.
5. Tirunelveli District Consumer Protection Sangam,
   47, Sankar Colony, Palayamkottai, 627 002.

Tirunelveli District Consumer Rights Protection Council is functioning at 9. Kullappirai Street, Tirunelveli Town with the following office bearers: A Ganapathi as President, P. Victor Thangaraj and B. Augustine as Vice-Presidents, G. Venkatachalam as General Secretary, T.Kanagalakmi and C.Vijayan as Joint Secretaries and D.Gopalan as Treasurer. They work for

[43] Report of the Collectorate Tirunelveli on the Voluntary Consumer Organizations, 2011-2012.

the redressel of the consumers through strategies such as telephonic conversation, letter communication, personal meeting, dialogue and finally filing of cases.[44]

This organization has settled many complaints through telephonic conversation. The following are just a few of them. A ceiling fan purchased from an Electricals at Tirunelveli Town became faulty within a month of purchase. On speaking over phone a new fan was exchanged by the Electricals. A grinder from a shop at Tirunelveli Town became faulty and that was replaced with a new grinder. A consumer withdrew some money from an ATM Counter. A double entry was made. The consumer made representations to the Bank authorities. But it was not rectified. On telephonic conversation, the problem was settled immediately.

This organization has settled many problems by sending notices to business concerns. A Jewellery shop at Tirunelveli Town was making false attractive advertisements by way of announcements of different prize schemes to increase their business . This organization sent a notice asking them to stop the false advertisements and the management of that Jewellers immediately obliged. Similarly this organization had sent a notice to another Jewellery shop when they made false and attractive advertisements and stopped the advertisement. A bus conductor of Government Transport Corporation collected Rs.5.00 instead of Rs.3.50 and based on the complaint received about this, notice was sent to the Management of that Transport Corporation. The concerned conductor was made to apologize and return the balance amount of Rs.1.50. [45]

This organization also adopts an approach of dialogue with the representatives of the erring concerns and settles the issues. It came to the notice of this organization that a gas distributor at Puliangudi was engaged in some malpractices. Based on the complaints received, notice was sent to the Regional Manager of Indane Gas and to that Agency. Representatives of both organizations came to this office and the problems were discussed through dialogue and they were settled. But because of continued complaints, the Indane gas has withdrawn the distributor rights of that Agency.

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[44] Personal Interview with G. Venkatachalam , General Secretary, Tirunelveli District Consumer Rights Protection Council, dated 30 January 2011.

[45] Personal Interview with G. Venkatachalam , dated 30 January 2011.

This organization also meets the problem creating persons and speaks to them about the problems in their business dealings and resolves the problems for the benefit of all consusmers. A trader at Kodeeswaran Nagar, Tirunelveli Town was selling things over and above the MRP. The representatives of this organization met the proprietor and made him to sell the goods at MRP.

Tirunelveli District Consumer Awareness Movement is registered under societies Registration Act as 2102/2006. [46] It is functioning from Melamada veethi, Palayamkottai with S.R.Anantharaman as Chairman, K.Ganapathy Subramanian as General Secretary, A. Balasubramanian as Treasurer, Padmaja Anantharaman and A.Arumugam as Vice Presidents , Aruna Sivaji and Kanchana Suresh as Joint Secretaries and G.Venkatachalam as Honorary Consultant. This association is functioning quite effectively by undertaking several activities. This has organized an essay competition of the topic ‘ the role of students in consumer protection’ on 23 December 2007. A programme on consumer awareness for the rural people was organized. World consumer Day is regularly conducted. An awareness programme was organized on global warming. An awareness programme for women consumers was organized. A seminar on food adulteration was organized in collaboration with the corporation officials. An exhibition on consumer awareness was organized. Ganapathy Subramanian, the General secretary obtained best consumer counselor trainer award from the District Collector. A training programme to exercise the voting right through voting machine was organized. This association has also filed consumer cases when necessary. For instance, a teacher had purchased a Nokia cell phone and it became faulty and it could not be set right by the Nokia service agency. The seller was not ready to replace the same with another piece. A consumer complaint was filed and his grievance was rectified with along with a compensation amount of Rs. 3000/= by the Tirunelveli District Consumer Redressal Forum.

The Tirunelveli District Consumer Awareness Movement has released two Tamil handbooks to create awareness among the public on `Right to Information Act 2005' and `Rights and Duties of Consumers'.[47] The handbook on `Right to Information Act 2005' explains in detail about the newly-introduced Act, its salient features, the ways and means of getting information

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[46] Report of the Tirunelveli District Consumer Awareness Movement Submitted to FEDCOT on 25 December 2010.
[47] *The Hindu,* Consumer Forum Releases Handbooks, dated 18 December 2006.

from various Government departments, procedures to be followed in preparing the application, the processing fee, etc. An application model has also been given in the handbook, which would be of useful to applicants. The thirty page handbook on `Rights and Duties of Consumers' elaborately explains the right to safety, right to choose, right to be informed, right to be heard, right to redressal, right to consumer education, right to healthy environment, right to basic needs, etc. Besides clearly explaining the Consumers' Protection Act 1986, the handbook narrates the duties of consumers and powers of the consumer redressal forums.

Apart from these, there are many voluntary consumer associations functioning in Tirunelveli District as registered just under Societies Registration Act. Most of them are affiliated with these registered VCOs. Some of them would like to get themselves registered with the Commissioner of Civil Supplies and Consumer Protection at the Tamilnadu level. The following are few of them.[48]

1. Puliangudi Consumer Protection Society is a Puliangudi based VCO functioning under Societies registration Act as No 88/91 at 3A Sankara Vinayagar Koil street, Puliangudi . The President is Venkatesan and the Secretary is Ramiah.
2. Sankarankoil Taluk Consumer Protection Society is another Sankarankoil based VCO functioning under societies registration Act as No 74/94 at 41 Annalsalai, Sankarankoil-627 756. The President Mohamed Ali and the Secretary is Subramanian.
3. There is one more VCO functioning from Sankarankoil . It is known as Sankarankoil Taluk Consumer Rights Protection Society, functioning at 21/43 Vinayagar koil street, Sankarankoil.
4. Southern Peoples' Consumer Movement is yet another Panagudi based VCO functioning under Societies Registration Act as No 51/99 at 157, Main Road , Panagudi, with Josephraj as President and M. Rathinam as Secretary.

The Consumer Protection Council at Sengottai was started in 1992 to protect the welfare of consumers, to enlighten them about the fundamentals of the Consumer protection Act of 1986 through Trainings, workshops and symposiums, to redress the grievances of affected consumers by getting compensation and to create consumer awareness among students of schools and

[48] Personal Interview with Venkatesan, President Puliangudi Consumer Protection Society, dated 29 January 2011.

colleges. This cell has the following office bearers. R.K. Dass as Chairman, E.Shunmugavel as Vice Chairman and R.Srinivasan as Secretary and Treasurer. K. Varadharajan , V.Sharmarajan, A Shenbaga Ganesh , S. Sundaram, P. Murugesan and Sheik Saleem are the Executive members. The cell had thirteen gents and six ladies members. This cell had been affiliated to the Tamilnadu consumers forum as a Joint Member since 1992 and it had been functioning as a Member in the Consumers Federation and in the International Consumers Organisation.

Southern Peoples' Consumer Movement is yet another Panagudi based VCO. It is functioning as a society under Societies Registration Act as No 51/99 at Panagudi with Josephraj as President and M. Rathinam as Secretary. This movement was started on 15 August 1999 with 25 members. The following activities had been reported by this organization. It had undertaken consumer related problems such as problems in public distribution scheme, Electricity consumers grievance day with the Divisional Engineer, World consumer day celebration, and conducting consumer awareness programmes to school students during their NSS camp.

Apart from these consumer related activities, this organization was found to undertake multifarious activities such as the following which are not connected with consumer related problems.[49] They had undertaken non-consumer related problems like polio awareness camp, Aids awareness programme, participation in DIG Grievance day, Drinking water problem, Fund raising for Gujarat earthquake relief programme, Bus Transportation problem, Distribution of Dictionary to poor school students, Awareness through posters about sand smuggling, Rain water harvesting awareness, raising funds for school building funds, funds contribution to Kumbakonam school fire victims, sending relief materials and funds to Tsunami affected people, contribution of desk and bench to school, contributing prizes for government school students, creating awareness about jaundice problem and preventive methods, constructing benches for sitting at the bus shelter, welcoming cycle peace rally participants, helping the school to conduct NSS programme, Free distribution of notebooks to poor students during the celebration of Kamaraj Birth day Celebrations, Publication of historical materials about nearby villages.

[49] Annual Reports 1999-2013, The Southern Peoples' Consumer Movement, Panagudi.

Apparently they seemed to be dynamic but their activities are not focused on consumer related problems. While this question was raised to the office bearers, they said that they also need periodical training and orientation to streamline their vision and programmes.

Melapalayam Consumer Protection Association was started on 15 March 2009 with T.M. Mohammed Ehiya as President, A.S.M. Mohaded Sheriff Sindhani as Vice President, P.M. Abdul Jaffar as Secretary, P.N. Sheik Udhuman as Joint secretary and M.P.S. Abdul Rahman as Treasurer and it continues to be active till date. [50]

It had been recorded in the minutes book that they had been successful in getting a scholar ship from the Backward class commission for a ninth standard student who was not sanctioned scholarship even though he had applied for the same. The problem was dealt with after obtaining information through the powerful weapon of Right to Information. In two mutton stalls there was problem in the use of ordinary weighing scale and it was pointed out and changes were brought about for the use of electronic weighing machine. When someone bought a match box bundle containing ten match boxes, one box did not have any match stick and it was pointed out to the shop owner and to the agent and the problem was rectified by obtaining a fresh match box.

As salient features of their activities, it was pointed out that there was three beef shops in the residential area of thirty second ward. And they were creating health hazards to the people in the locality. The problems were highlighted to the Tirunelveli Municipal Corporation and they were shifted to some other non residential area. Moreover problems relating to the distribution of water, not fixing of street lights were pointed out from time to time and they were rectified.

While discussing with the office bearers of the association, they discovered that the problems they had handled were of micro level problems and the need to identify the macro level problems and to work in collaboration with other district level, state level and national level organizations was expressed. They expressed the need for trainings for their members and they

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[50] Personal Interview with Mohammed Ehiya , President, Melapalayam Consumer Protection Association, dated 30 January 2011.

also hoped that in future they should begin to have interactive and sharing sessions with other organizations at a higher level.

Mostly the consumer organizations are registered under societies Act. The advantage with this type of registration is that they can increase the number of members and form various committees to look into the different types of consumer problems. In contrast it was found that there was one organization registered under Trust Act. It was Valluvar Environmental Protection and Consume Awareness Trust with the acronym VEPCAT.[51] This functioned with Senthil Kumaran as President, K. Venkatachalam as Secretary and M. Ganesan as Treasurer. The activities of this organization included blood donation, Celebration of Women's Day, Distribution of free educational materials to poor students, Paying fees for a Tenth Standard and Engineering student. After much discussion with the office bearers they realized that the activities of this organization were also not very much related to consumer problems but they were of purely social service oriented.

A cordial and respectful relationship between the VCOs and government departments is very vital for consumer protection. But one is forced to come to the conclusion that consumer bodies were becoming irrelevant. With the bureaucracy treating the consumer bodies either with contempt or at the most condescendingly, the forums are all at sea. Consumer activists here lament that non-conduct of meetings for expressing people's grievances itself has become a major grievance. They alleged that the officials were not interested in holding meetings with the consumer organizations or even convening a session of the statutory panel such as the District Committee of Consumer Organizations.[52] As per the letter of A.M. Swaminathan, Secretary, Co-operation, Food and Consumer Protection Department [53], all Secretaries to Governments/Heads of Departments/Government undertakings concerned with consumer affairs should organize

[51] Personal Interview with Senthil Kumaran , President, Valluvar Environmental Protection and Consume Awareness Trust , dated 31 January 2011.

[52] *The Hindu*, Bureaucracy Cool to Consumer Fora, dated 24 December 2010.

[53] Letter of A.M. Swaminathan, Secretary, Co-operation, Food and Consumer Protection Department, Chennai, dated 10 November 1994.

regular meetings with the leading voluntary consumer organizations of not less than four a year so as to enable these bodies to represent their grievances/suggestions and recommendations.

But the order is followed only in the breach, going by a number of complaints received by the Government. Lakshmi Pranesh, who later became Consumer Protection Secretary, in her letter dated 10 December 2001, instructed the District Collectors to convene meetings every month with the VCOs and take follow-up action on the matters put forward by the organizations. [54]As it was brought to the notice of the Government that such meetings were not conducted regularly, the instructions were reiterated again and again. Even now such complaints of non-conduct of meetings with the VCOs regularly are not wanting... I therefore request you to ensure that the meetings with the VCO s are convened regularly in future and a report thereon is sent to the Commissioner of Civil Supplies and Consumer Protection. The Government will be constrained to take a serious view of any violation of the instructions." K. Kathirmathiyon of the Consumer Cause, C.M. Jeyaraam of the Citizens' Voice Club and Mahalaxmi Subramanian of the Kasturibai Ladies Association here alleged that the meetings of the district committee of the VCOs had not been held properly in the past few years. Last year, a meeting of the District Committee was held on October 9.This year, it was held under the chairmanship of the District Revenue Officer on July 31. The next meeting, scheduled for November 19, was postponed twice and was yet to be held. These meetings if at all held, which hardly evoked proper response from officials, turned out to be a mere "farce." All that most of the Departments would say was that the officials concerned had been "advised" to look into the issue. "That is the end of the issue, because there has been seldom any follow-up," lament the activists. Even minutes were not properly prepared, they alleged. Though MLAs and MPs were members of the committee, ``they are never invited." The Tirunelveli District Collector ordered that the local bodies conduct separate meetings, as lack of basic amenities was the major grievance. But no local body ever bothered to do so.

The major activity of these voluntary consumer organizations is consumer education. According to United Nations Guidelines for Consumer Protection, consumers enjoyed eight

[54] Letter of Lakshmi Pranesh to All Collectors, Secretary, Co-operation, Food and Consumer Protection Department, Chennai, dated 10 December 2001.

rights of which consumer education is one.[55] This aimed at enabling consumers to acquire knowledge and skills needed to make informed, confident choices about goods and services, while being aware of basic consumer rights and responsibilities and how to act on them. Consumer education is a process that equips people to function as responsible consumers in a complex, technological society.[56] It helps them understand their value systems; develop sound decision-making procedures in the market place; recognize their rights and responsibilities; and understand the cumulative effect of consumer decisions on the community, economy and environment. Consumer education should help to open the consumer eye of the consumers. The consumer eye concept means that an informed consumer looks at a product critically and analytically, first from his own point of view as an individual consumer, then with the interest of the community at large in mind. Consumer education must inculcate the responsibilities of consumers. Responsibilities always precede rights. If consumers want their rights recognized, they must first exercise their responsibilities. A free market economy can only function effectively with the support of an educated consumer. Consumer education is a way to balance the power between the producers and consumers. Consumer education provides the insight necessary to develop citizens into responsible and intelligent acting consumers.

Education is the first line of defense against fraud and deception. It is the most powerful tool for progress of the country and is a social and political necessity.[57] Undoubtedly, knowledge is power. It is education, which transforms the individual's personality, enriches the mind, sublimates the emotions and illuminates the spirits. Education leads to liberation- liberation from ignorance, subjugation, exploitation, superstition and prejudice. Education has a well-defined role in creating conditions of change. Education helps an individual as a consumer in making rational choices and protects him from trade and business related exploitation. It can help one to make well-informed decisions before one spend money. Only knowledgeable and alert consumers, who aware of their rights and responsibilities, can protect themselves efficiently. Where the literacy rate is high and social awareness is greater, the consumer cannot be easily

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[55] David Harland, *Global Concerns for Consumers*, United Nations Guidelines for Consumer Protection, 1987, pp. 245-66.

[56] Ibid.

[57] *Journal of Research*, Educational Needs of Consumers regarding Consumer Protection Laws, Hissar, 18(3): 236-241 (1988).

exploited. Informed, educated and aware consumers are assets to the society as well as the functioning of constitutional democracy. Education and information bring independence, which in turn contributes to the growth and development of individual personality.

In India 240 million people are between the age group of ten to nineteen. But this demographic dividend is not something that comes to India automatically. It could well turn into a demographic disaster in the absence of right type of education.[58] Consumer awareness plays a key role in customer decision making. By increasing customer's knowledge about a product, service or business, a healthy economic environment is established in which customers are informed and protected and businesses are accountable. It benefits both individuals and society as a whole. From individual point of view it enhances critical thinking, improved life skills and increased self- confidence. Consumer awareness benefits the society by promoting satisfaction, increasing economic stability and creating realistic customer expectations.

Palayamkottai, one of the twin cities of Tirunelveli, is on the eastern side of the river Thamirabarani. Palayamkottai was known as the Oxford of South India because of the existence of many educational institutions. The district has a literacy rate of 76.97 percent which is above the state average. As of 2005–2006, the district had a total of 2,494 schools. Tirunelveli district has the following educational institutions: one University namely Manonmaniam Sundaranar University , twenty five Arts and Science colleges, one Medical College, one Siddha Medical college, one Veterinary College, Twenty Engineering colleges, one Law college. Manmaniam Sundaranar University, established in 1990, was named after poet Sundaram Pillai. The University has a network of 102 affiliated colleges in three southern districts. Already in 1878, there were two colleges in the district: the Madurai Diraviam Thayumanavar Hindu College and St. John's College. Sarah Tucker College, the first college for women and third college of the district, was started in 1895. The fourth and fifth colleges namely St. Xavier's and St. Ignatius Colleges of Education were established in 1923 and 1957, respectively. [59]

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[58] Ibid.
[59] Tirunelveli District Profile, National Informatics Centre, Tirunelveli, 2012.

In Tirunelveli district, a Government Law college was established to meet the requirements of the people of the southernmost part of Tamil Nadu in the year 1996. The year 2007 set another milestone in the history of this college when Masters Degree in Constitutional Law and Human Rights was started. The Tirunelveli Medical College and its teaching hospital are located at High Grounds, Palayamkottai. It was established in 1965. The Government Siddha Medical College was established at Palayamkottai on 30 November 1964. Technical education in the district dates to 1844, when Mrs. Caldwell, wife of Bishop Robert Caldwell began a school to teach girls lace-making at Idyangudi. The Government College of Engineering was established in October 1981 to fulfill the needs of people in the southern region. [60]

The Tirunelveli District has 241 kindergartens, 1501 Primary schools, 431 Middle schools, 114 High schools, 185 Higher secondary schools and twenty eight Teacher-training institutes. In 1986, the Revenue District of Tirunelveli was divided into Tirunelveli and Thoothukkudi districts. A new post, District Educational Officer at Tenkasi, was created. The names of posts of District Educational Officer, Tirunelveli Central was changed to District Education Officer, Tirunelveli; the District Educational Officer, Tirunelveli South was redesignated as District Educational Officer, Cheranmahadevi. The three District Education Officers serve under the Chief Educational Officer.[61]

Consumer voluntary organizations in Tirunelveli district are mainly engaged in the promotion of consumer education to different groups. Consumer education in the schools and colleges in Tirunelveli district is a recent phenomenon aiming at creating consumer awareness so that in future the students will become worthwhile citizens of India. These efforts are also found to be supported by the Tamilnadu government. It had given Rs 10,000/- in 2005 and 2007 for two years and in 2011 a sum of Rs. 5000/= was given for the promotional activities of student consumer clubs. In Tirunelveli district consumer clubs are functioning in twenty five schools and fifteen colleges.[62]

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[60] Tirunelveli District Profile, National Informatics Centre, Tirunelveli, 2012.
[61] Ibid.
[62] Report of the Tirunelveli Collectorate on the Consumer clubs of Schools and Colleges ,Tirunelveli, 2012.

The Objectives of the Government of Tamil Nadu with regard to consumer education in educational institutions [63] are educating children about rights of the consumers as provided in Consumer Protection Act, 1986, mobilizing youngsters by instilling in them the spirit of protection of consumer rights, imparting knowledge about the role of consumers in protection of their rights, and strengthening the consumer movement in India.

The primary objectives of the Citizen Consumer Club are to collaborate, cooperate, actively participate and function in accordance with the Department of Civil Supplies and Consumer Protection, Government of Tamil Nadu. In order to achieve the above said objectives, the club initiates seminars, conferences, consumer-fest, competitions, publishing articles on consumer issues, etc., Mainly these activities were undertaken on two occasions. [64] One was National Consumer Day celebrations on every 24 December and the other was World Consumer Rights Day celebrations on every 15 March.

These consumer clubs used the following simple guidelines such as the 5 R's to easily remember as day to day duties of a consumer. [65] The first duty focused on *Reduce* meaning consume only what is needed. If possible reduce consumption of water, electricity, fuel and other non- renewable resources. The second one focused on *Refuse* meaning refuse to purchase the goods and articles when they are not needed , even though advertisements forcefully attract the consumers to buy. The third duty focused on *Reuse* implying that if a product can serve for a longer period, use it instead of buying a new one. The fourth one was *Recycle* meaning don't litter the environment instead recycle degradable or recyclable materials through scrap dealers. And lastly the fifth one was *Rethink* and this emphasizes that before making every purchase the consumer has to rethink whether the particular articles or goods are absolutely needed.

While discussing with the students of a club, it was found that they articulated that the following Remedies were Available to Consumer. [66] The first familiar remedy was that of removing the defect pointed out by the appropriate laboratory from the goods. The second

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[63] Annual Report 2010-2011, Tamilnadu State Society for Consumer Protection & Empowerment, TANSSCOPE, Chennai, 2011. P.15.
[64] Personal Interview with Muthulakshimi, Coordinator, CPC, Saradha College, Tirunelveli, dated 10 February 2011.
[65] Personal Interview with Muthulakshimi, dated 10 February 2011.

[66] Personal Interview with SVL Michael, Coordinator, CPC, St Xavier's College, Palayamkottai, dated 11 February 2011.

remedy was to replace the goods with the new goods of similar description which are free from similar defects. The third remedy was to return the price of the charges paid by the complainant. The fourth remedy was to pay such amount as compensation to the consumer for any loss or injury suffered by the consumer due to the negligence of the service provider. The fifth remedy was to remove the defects of deficiencies in the services in question. The sixth remedy was to discontinue the unfair trade practice or the restrictive trade practice or not to repeat. The seventh remedy was to withdraw the hazardous goods from being offered for sale. And the eighth remedy was to provide for adequate costs to parties.

These consumer clubs were functioning under the guidance of a teacher or lecturer who is interested in consumer affairs as well as students' consumer awareness programmes. Trainings were conducted periodically for these counselors at the district level and sharing also take place about how each consumer club is functioning. The counselors seemed to have a good understanding of the objectives of the consumer clubs.

One consumer counselor at the school level came out with the following description of objectives of consumer clubs.[67] The objectives of consumer education at school were to educate independent, discriminating and informed consumers. It was to equip the pupil with knowledge and insight into the conditions of being a consumer in a complex multifaceted society by providing basic knowledge in such areas as consumer legislation, personal finances, economics, persuasive advertisements, consumption pattern, environmental issues, global resources, housing, clothing, price and quality, diet and health. Schools should contribute to making pupils aware of the influences they are exposed to with respect to life styles, consumer habits, values and attitudes.

A district level trainer of consumer clubs had the following comments and observations to say. Consumer education involved giving students cognitive skills to help them make informed decisions. It also implied an understanding of the impact of individual business and government decisions on the lives of others. In addition to this, pupils felt the need to develop a certain attitude towards consuming. Speaking about the consumer education programmes another

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[67] Personal Interview with Anbu, J., Coordinator, CPC, Magdalene Matric Higher Secondary School, Palayamkottai, dated 11 February 2011.

counselor said that it was a way of thinking which is linked with solving of problems of day to day affairs and he views that the skills range from learning to cope with present circumstances, to participating as citizens to influence change. [68]

The following reports about the different programmes organized in schools and colleges in Tirunelveli District had been collected from different sources. The National Consumer Protection Day celebration was held at St Xavier's Higher Secondary school, Palayamkottai. Speaking on that occasion, Collector Samayamoorthi said the consumers, while checking the quality of the products they were buying, should also take a note of the date of manufacture and expiry, the batch number, the actual weight etc. and should get the receipt for every purchase as it alone would help the consumer get his grievance redressed, if any, after the purchase. If the seller refused to give receipt for the sale or the product was of substandard, the buyer should inform the District Consumer Protection Officer and file a formal complaint through e-mail for speedy action. Samayamoorthy also gave away prizes to winners of inter-school singing and essay competitions conducted as part of consumer day celebrations. An awareness exhibition was also organized as part of the function.[69]

The consumer club of St Xavier's college of education had a very clear focus about the need and objectives of the consumer club as pointed out below.[70] The Citizen Consumer Club of our college was an affiliated club to the Department of Civil Supplies and Consumer Protection, Government of Tamil Nadu, which was established at the beginning of the academic year 2009-2010. The club had evolved its own objectives in aligning to achieve the common goal of the Department of Civil Supplies and Consumer Protection, Government of Tamil Nadu. This club had organized one day seminar on consumer awareness on 20 February 2013.[71]

The Annual Report of Rani Anna College , Tirunelveli indicated that the following activities were carried out in that college.[72] On 13 July 2009 an awareness programme was conducted in our College. Fifty students joined this club. On 17 March 2009 a District level

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[68] Personal Interview with Muthulakshimi, dated 11 February 2011.
[69] *The Hindu*, National Consumer Day Celebrated, dated 1 February 2013.
[70] Personal Interview with Daniel, Coordinator, CPC St Xavier's College of Education, Palayamkottai, dated 11 February 2011.
[71] Personal Interview with Rev Fr. Thomas Alexander, Principal, St. Xavier's College of Education, Palayamkottai, dated 21 February 2013.
[72] Annual Report 2009 – 2010, Rani Anna College, Tirunelveli, 2010, p.20.

workshop was organized in Raj Mahal, Tirunelveli and thirty students participated in that workshop. On 19 February 2009 a special lecture on Consumer's Right was delivered by B.A.Abdul Kareem of Sadak Abdullah College of Palayamkottai . On 10 August 2009 a lecture on consumer problems and Solutions was delivered by Professor Velammal. On 27 August 2009 an awareness programme was conducted by enacting a drama and reciting a poem. On 2 and 3 September 2009 an exhibition on consumer awareness was organized in that College. The members of the club prepared albums, charts and captions. On 22 September 2009 a Seminar on Consumer Education was arranged. Abraham Muthukumar of St.John's College gave a Special lecture on Consumer Protection Acts.

It is found that Consumer Awareness and Movement forms part of the syllabus of different courses in universities and colleges. Manonmaniam University has prescribed a paper on social value education for all Under Graduate courses with two credits in the second semester from the academic year 2008-2009. The fifth unit of this paper has the syllabus on globalization and Consumer Movement. In this context, students are expected to study the Objects, Acts, Rights of consumer, Role of Consumer Councils, Grievances and Redressal mechanism. Moreover Manonmaniam Sundaranar University is also offering a post graduate diploma course on Consumer Awareness through its Directorate of Distance and Continuing Education programme.[73]

A group of hundred college students from six different colleges assembled together to have a reflection about their level of consumer awareness.[74] The following were the findings of the study. While assessing the awareness of student regarding the statement that weekly quota is not forfeited if not purchased, it was observed that only seventeen percentage of students from all the six colleges taken together were aware of the law. Partially aware percentage was estimated to be twelve and majority of the students who were unaware of the law was seventy percent. While assessing the awareness of students regarding the statement that samples of food grains to be displayed in sealed plastic bags, it was observed that forty eight percentage of students from all the six colleges taken together were aware of the law. Partially aware percentage was

[73] Personal Interview with Paulraj Joseph, Former Director of Distance Education, Manonmaniam Sundaranar University, Tirunelveli, dated 13 February 2011.
[74] Report of the Inter-Collegiate Awareness Camp on PDS , St Xavier's College, Palayamkottai, 2012.

estimated to be nineteen percent and the students who were unaware of the law was thirty three percent .

While assessing the awareness of students regarding the information that yellow receipts had to be issued with date of purchase, it was observed that fifty two percent of students from all the six colleges taken together were aware of the law. Partially aware percentage was estimated to be thirteen percent and the students who were unaware of the law was thirty five percent. While assessing the awareness of students regarding the law that there is no ruling that ration quota can be purchased only once a day, it was it was observed that a meager fifteen percentage of the students from all the six colleges taken together were aware of the law. Partially aware percentage was estimated to be twelve percent and majority of the students who were unaware of the law was seventy three percent.

While assessing the awareness of students regarding the law that no fees to be charged for adding or deleting names in the existing ration card , it was observed that a small percentage of twenty five percent of the students from all the six colleges taken together were aware of the law. Partially aware percentage was estimated to be nine percent and majority of the students who were unaware of the law were sixty six percent. While assessing the awareness of students regarding the rule that it was mandatory to display registration number of the ration shop, it was observed that majority of sixty one percent of students from all the six colleges taken together were aware of the law. Partially aware percentage was estimated to be eight and students who were unaware of the law were thirty one percent. While assessing the awareness of students regarding the rule that it was mandatory to display inspector's name and time of his weekly visit, it was it was observed that only thirty one percent of the students from all the six colleges taken together were aware of the law. Partially aware percentage was estimated to be eighteen percent and students who were unaware of the law was estimated to be fifty one percent.

While assessing the awareness of students regarding the rule that it was mandatory to display of stock position of all ration commodities in units, it was observed that only nineteen percent of the students from all the six colleges taken together were aware of the law. Partially aware percentage was estimated to be twelve percent and majority of sixty nine percent of students were unaware of the law. While assessing the awareness of students regarding the rule that it was mandatory to display of official price list, it was observed that thirty three percent of

the students from all the six colleges taken together were aware of the law. Partially aware percentage was estimated to be twelve percent and majority of fifty five percentage of students were unaware of the law.

While assessing the awareness of students regarding the rule that it was mandatory to display of total number of ration cards registered with the shop, it was observed that meager fifteen percent of the students from all the six colleges taken together were aware of the law. Partially aware percentage was estimated to be eleven percent and majority of the students namely seventy four percent were unaware of the law. While assessing the awareness of students regarding the rule that it is mandatory to display of total number of units registered with the shop, it was observed that only fourteen percent of students from all the six colleges taken together were aware of the law. Partially aware percentage was estimated to be eleven percent and a majority seventy five percent of students were unaware of the law.

The press in India has always been sensitive to the performance of their duties so that those who are involved in the matter of policy can do justice to their roles. The consumer is advertised as the king by the seller and service provider; but in actual practice treated as a slave or servant. He should realize his importance and prepare himself to exercise his rights with responsibility, which requires the knowledge of various consumer protection and welfare acts which have been enacted over the years to safeguard the interests of consumers. Today it is rightly said that a consumer makes a good citizen and ultimately a good Democrat. Promoting awareness through the dissemination of information is the fundamental task that the media can make towards the development of consumerism. Media has played a vital role in welfare of consumer through books, magazines, newspaper, broadcasting , radio , telephone , TV, movies, documentaries etc.

The following are the suggestions for the major Media features to be considered. [75]The major features of media that should be considered is the attitude of the media towards consumers awareness about their rights and consumer education. Media is a dais where all can come together, express their views whether similar or divergent and still need not be the

[75] *International Referred Research Journal*, Media's Role in Consumer Protection and Welfare in India, December 2011.

follower of particular ideology or school of thought. Media permits diversity of opinion and at the same time it can continue its functioning on one particular ideology. Grievances of different parties, dimensions of different problems, arguments, counter arguments on the particular issue can rightly be reflected by media alone. People often call press as a fourth column of democracy. The position can be extended to all forms of media because only print media is not influencing opinion of public, on the contrary electronic media, in terms of its coverage is more exhaustive and effective.

Considering these aspects, problems of consumers can rightly be expressed by media, whatever may be the form. In explaining consumers' problems, atrocities against consumers, educating consumers and making them aware of their problems. Earlier it was presumed by a good citizen as an essential aspect of sound democracy. Today it is rightly said that a good consumer makes a good citizen and ultimately a good democrat. Promoting awareness by spreading information is the primary task that media can perform towards development of consumerism. Information is the asset. Exploitation of consumer is due to absence of this vital role by providing right information at right time to consumers. Ignorance regarding prices and price-behavior changes market structure and fluctuations in economy is not understood by ordinary consumers and hence they fall prey to exploitation and malpractices.

Media plays a crucial role in changing and influencing the thoughts of the people. Media has a great power to influence what we think about things happening around. The role of media is not only to seek solution to the many problems of the country, but the task of media is also to inform and educate people so that a critical awareness among the people is encouraged. Presently people have faith in the press more than any other institution. [76] The press should be fair, truthful and courageous while protecting the interests of consumers in many cases. People prefer to believe the reports in the press as the official announcement of the Administration. Public interest issues as handled by the press are unparalleled. This is more so in case of issues of interest to consumers. The fate of the poor of the issues in the services sector, low quality products, cereals adultery, rampant corruption, bureaucratic tendencies of public officials, nepotism in high places, the black market, smuggling and artificial shortages of goods are carefully distinguished by the media alone. Because of this, the media is accepted as a champion

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[76] Ibid.

of public cause. Following are the different activities that different media have been committed to promoting consumer awareness.[77]

The electronic media have started campaigning for the education of consumers through regular communication to regulate social communication from the constitutional rights of consumers as well as when and how to use it. Regular announcements about how the consumer should start with his claim and that this should be put in place are very useful. Press is playing a leading role in promoting the movement consumers in this country. Publication of the weekly column about consumer affairs has become an established practice. This column deals with the issues, rights and obligations of consumers and how consumers can effectively exercise their rights. Some newspapers published the main events of major cases and disputes between consumers and merchants. For example : the Economic Times published a column entitled "caveat emptor", which only deals with current problems and consumer complaints against traders.[78] The newspapers should give good coverage to news related to consumer forum when consumers win cases against trader or company. Some newspapers publish stories often on issues of consumer interest or complaints or incidents related to the major consumer issues. These news stories are usually designed after considering the merits of a news consumer event.

The exploitation of consumers is due to the absence of such a key role in providing right information at the right time for consumers. Ignorance about prices and price behavior of market structure and fluctuations in the economy changes is not understood by ordinary consumers and therefore are victims of exploitation and consumer malpractices. Therefore there is a need for greater role of media to regulate consumer protection mechanism for the betterment of consumers in this changing era. Media in any form, whether printed or electronic, is a mirror of the times and society we live in connects us with the world and the world to us. Media also plays a useful role in establishing good relations or friendship between the merchants and shoppers. The promotion of fair trade practices, the establishment of codes of conduct for businessmen is the task that the media can only assume. The concept of ethics in the economy relates to morality, ethics, professional ethics and organization.

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[77] *International Journal of Business & Management Research*, Role of Media in Consumer Protection, Vol. 1 (10), 2011.

[78] *The Economic Times*, Caveat Emptor, dated 23 January 2009.

The following are some suggestions regarding the role of media in consumer protection. Tirunelveli has an all India Radio Station which is broadcasting number of programmes. The consumer associations and people in general expect from all India Radio a programme like the one that caters to farmers.[79] Whenever the agricultural officers want to communicate some message to the far remote villagers, they seek the help of the All India Radio Programme. They have some message to communicate daily and therefore a particular time is allotted. Like that it should also allot a particular time to consumer protection. In Tirunelveli , many different leading Tamil newspapers are printed and published. The news papers could allot some space to speak about consumer problems and achievements.[80] Only then the awareness level of the people at large will increase.

Consumers are heterogeneous in composition; they are from different religions, speaking different languages, using different products and maintain loyalty to their tradition. They are also mostly poor, illiterate, ignorant and do not know the role of consumption of economic system as well as quality of life. Therefore, consumers face wide range of problems in their day to day dealings in the market place, banks, hospitals and etc, and some of their problems are lack of safety, absence of quality control regulations, food adulteration and unfair trading in the marketing. In the early days, consumer was considered as King of the corporate activities, but in the modern society, they are no longer safe against the mal practices, substandard goods and unsatisfactory services. Consumers have no choice expect to face a wider range of buying situations than in the past, an increase in the number of consumer problems and disputes particularly relating to consumer rights and legal protection. To meet these challenges effectively consumers must support themselves against these problems since they are not automatically protected by the working of the market. Thus, consumer's best protection is knowledge of consumer rights and remedies which exist to resolve these problems when they occur. At present, women are working as multi tasked role players like house maker, employer, business and professional women with their hard work. In these positions there has been a gradual evolution in the status of women and they are called as marketers. Women account for almost of all domestic

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[79] Personal Interview with Senthil Kumaran , President, Valluvar Environmental Protection and Consume Awareness Trust , dated 31 January 2011.

[80] Personal Interview with Mohammed Ehiya , President, Melapalayam Consumer Protection Association, dated 30 January 2011.

purchases including health care and sustain her family as a homemaker. Homemaker was the actual buyers for the food in the family. Home makers took independent decision in all the areas of food buying except financial aspect. Women's position as care givers has meant that women engaged in the part of buying things that provide sustenance for home and family. Although it is often played down, it is clear that women have a great deal of influence in the economy as consumers, in other words, a lot of spending power. As consumers, women live under a good deal of pressure. Many women must find ways to feed their families on a limited budget. They search for a balance between affordability, nutrition and availability countered with the personal preferences of their families. Stopping for fast food seems easier than rushing home to cook dinner for the family after a long day at work. The Indian consumers are cheated to rupees in crores annually through various device invented by clever businessman, producers and traders. It is found that people prefer to absorb and endure the wrong done to them rather than light against injustice. This is because consumers do not know the ways and means or racing them confidently. Woman is an active partner in the family today. Women are the key factor in all purchase decisions and have become purchasing mediator in her family.[81] She has obtained a position in the society by desirable quality of her education and employment. Product manufacturers recognized the need of women support; hence they communicate and try to convince them through all possible media. They plan the marketing strategy to attract this segment, satisfy their needs and retain them. Consumerism is a social and economic command that is based on the systematic formation of a desire to buy goods and services in better amounts. Women play an essential role to functioning in their family. Women who are working outside of home face the added problem of time constraints. Certain purchases may be made to save time and energy when women are squeezed between work and family responsibilities. Women need to be aware of the consumer rights. Safe and fair financial services are important for consumers especially in women consumers, as they were offered substandard products, overpriced, unsafe or worthless by the product manufacturers. Several products were not even registered with standards and quality in the market. Not only the legislation but its effective implementation is very important. If consumer courts would be operational in every province, it would bother one to file a case against any manufacturer, protection of consumers from various unfair trade

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[81] *International Research Journal*, Awareness and Utilization of Consumer Rights by Women Consumers Vol. II, 5 November 2008.

practices. The worst affected victims of these commercial organizations need to be protected and the consumer is protected through consumer protection. The exploitation of the consumers by manufactures and businessmen by producing sub standard goods and hiking of price necessitated the researcher to look into the awareness of women about their consumer rights. Therefore discussions were held with women self help groups functioning in Tirunelveli District.[82] It was reported that generally the women consumers showed low level of awareness about consumer rights. The main reason for low awareness of consumer rights among women consumers is low education and low socio-economic status. It can be further concluded that as the awareness of women consumers regarding consumer rights decreases, its utilization of their rights also decreases. Thus, the exposure of media, awareness training camps through Government and NGOs and other educational institutions improve the awareness level of consumer rights and thereby increase utilization of their rights. It was suggested that a series of training programmes could be organized for these groups on consumer rights.[83]

Over all, Consumer Clubs were established in one thousand Schools and in five hundred colleges of Tamil Nadu and they are functioning well. Establishment of 1500 consumer clubs have yielded good results and shown rapid growth of consumer movement in the State. Students are showing keen interest and are actively participating in competition and out-reach camps. Awareness level has also increased rapidly. Civil Supplies and Consumer Protection Department, being the Nodal Department for consumer protection activities in the State of Tamil Nadu has also allocating funds for various activities and purposes for the growth and sustenance of citizen consumer clubs. Civil Supplies and Consumer Protection Department, for the past four year, has implemented following activities for the growth of consumer clubs by providing necessary funds from the State Fund and also allocated certain amount from the Grants given by Government of India.

TANSSCOPE published a Handbook for use by members of Consumer Clubs. The said Handbook comprised of basic information on how to establish and run the Consumer Clubs and

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[82] Personal Interview with Dr Kanchana Suresh, Joint Secretary, Tirunelveli District Consumer Awareness Movement, dated 28 January 2011.

[83] Personal Interview with Dr Kanchana Suresh, dated 28 January 2011.

general awareness on the subject to be covered. Also, Annual Calendar of activities of a model Consumer Club was suggested. The Handbook was published in both Tamil, the Regional language and English to facilitate English and Tamil Medium School for the benefit of all the Consumer Clubs. Similarly a Teacher Reference Book [84] was also published for usage of Teacher coordinators of consumer clubs for guidance and has been provided to all the teacher coordinators.

Every year a specific amount was allotted for the purpose of imparting training to Teacher Coordinators of CCC. This programme was conducted at district level. Besides training the teacher Coordinators of existing CCC, it is felt that, training to teachers of non-CCC educational institutions was also necessary to motivate them to form CCC in their institution. Government of India provided C.D.s. containing ten episodes relating to consumer awareness messages. Tamil dubbed version of such episodes were telecast in doordarshan. Besides, episodes were also copied in C.D.s and provided to school consumer clubs through district administration. Government of Tamil Nadu produced short films in DVD format about consumer awareness in regional language and telecast through Doordharshan during 2008 and 2009. This DVD was screened in all CCC programs across the State and was well received.

In order to conduct CCC awareness conferences, exhibitions, adulteration camps, etc., by the students of CCC in all districts a sum of Rs. 26,10,000/- has been allotted. With a view to motivate the students of CCC, district and State level awards are being marking their active participation in CCC and these awards are being given every year. A sum of Rs. 3,09,000/- has been spent for the purpose. Thus an amount of Rs. 87,38,438/- was spent towards the activities related to citizen consumer clubs.[85] The Scheme of Citizen Consumer Clubs is a huge project and its implementation and sustenance mainly depends on active participation of teachers of schools/colleges who are nominated as coordinators of CCC. Civil Supplies and Consumer Protection has the larger responsibility of managing the Public Distribution System and hence this department alone cannot manage its implementation. In order to implement the scheme of Citizen Consumer Club in all educational institutions effectively, this Department requires co-ordination of Education sector and therefore a proposal has been sent to Government of Tamil

[84] Government of Tamilnadu,TANSSCOPE, *Consumer Counsellor Reference Book*, Chennai, 2010, pp.1-20.
[85] Annual Report 2010-2011, TANSSCOPE, Chennai 2011, pp.26-27.

Nadu requesting orders for formation of Citizen Consumer Club Steering Committee with representatives of all the education departments as members such as school education, collegiate education, medical education, technical education, law education and employment & training.

In the State of Tamil Nadu there are 2994 colleges and 8142 secondary and higher secondary schools. At present 1500 Citizen Consumer Clubs had been established in schools and colleges under the first , second and third Phases of the programme. All of them were functioning well and show progressive results. Students were showing keen interest in gaining knowledge about consumer protection. Consequent upon the good performance of these consumer clubs, Government of Tamil Nadu had decided to extend this scheme to all educational institutions. In order to mobilize CCCs, it had been decided to appoint four Regional Coordinators and fifty two district Coordinators. Appointment of Regional Coordinators to Chennai, Coimbatore, Tiruchi & Madurai were completed. Appointment of District CCC Coordinators was under process. Further in this process to motivate and facilitate CCCs and non-CCC students, a talk show on consumer protection and awareness under caption "Arinthukolveer ariyavaippeer" (know yourself and make it known to others) had been conducted by TANSSCOPE. Joint Commissioner (CS) led the program with five VCO activists. The program was telecasted on 19 September 2010 in Doordharshan Poodigai Channel as one hour program.[86] In order to extend the scope of consumer club in all Educational Institutions i.e., Secondary & Higher Secondary schools, Arts & Science Colleges, Medical Colleges, Engineering Colleges, Polytechnic Colleges, Nursing Colleges, Pharmacy Colleges and Teachers Training Institutes and to build consumer movement through formation and facilitation in developing into resource groups, Government of Tamil Nadu through TANSSCOPE have appointed 4 Regional CCC Coordinators and allotment of districts to four regions are as indicated below. The Chennai Region consisted of Chennai North, Chennai South, Kancheepuram, Tiruvallur, Vellore, Tiruvannamalai and Villupuram districts. The Coimbatore Region consisted of Dharmapuri, Krishnagiri, Salem, Namakkal, Erode, Tiruppur, Coimbatore, Nilgiris and Karur districts. The Tiruchi Region consisted of Cuddalore, Perambalur, Ariyalur, Tiruchi, Thanjavur, Tiruvarur, Nagapattinam, Pudukottai and Dindigul Districts. The Madurai Region consisted of Theni,

[86] *Dhinakaran*, Daily Television Programmes, dated 19 September 2010.

Madurai, Sivaganga, Virudhunagar, Ramanathapuram, Tuticorin, Tirunelveli and Kanyakumari Districts.

Job responsibilities of Regional CCC Coordinators included visiting all educational institutions , motivating them to form Citizen Consumer clubs, opening of Citizen consumer clubs in 100 percent of Colleges, ensuring functional, effective and student-driven Citizen consumer clubs in each College, coaching for effective running of Citizen Consumer club, conducting district level Annual Workshops every year for Citizen Consumer Club Co-ordination in June, preparing Annual Action Plan in collaboration with District Supply and Consumer Protection Officer / District Citizen Consumer Club Coordinators, reviewing the implementation of Annual Action Plan once in three months, organizing awareness campaigns together with District CCC Coordinators, ensuring proper documentation of activities and best practices of Citizen Consumer Clubs through online web based tools, weekly reporting to TANSSCOPE by e-mail on activities during each week and attending monthly / quarterly review by Commissioner / Joint Commissioner / Deputy Commissioner of Civil Supplies and Consumer Protection.

For the Orientation-cum-training program, one lecturer and two students from non-CCC educational institutions of a district are invited and orientation has been given to the participants to form CCC in their educational institution. Out of CCC-colleges which are running CCC is a successful manner has been given preference to conduct the program with willingness. The college selected for conducting the program should have big auditorium. The college has arranged for eminent speaker to give lecture on various topics on consumer protection. VCOs are given preference for giving lectures. Books, pamphlets, posters, etc are printed by the Commissioner of Civil Supplies and Consumer Protection and distributed to the colleges that are conducting the program through District Supply and Consumer Protection Officers. All educational institutions of a district are invited for the consumer festival. Out of CCC-colleges which are running CCC in a successful manner is given preference to conduct the program with willingness. The college selected for conducting the program should have big auditorium and a play ground. Government Departments, Oil Companies, etc, have launched stalls. The college has arrange for eminent speaker to give lecture on various topics on consumer protection and has to conduct competitions viz., essay writing, speech, drawing to students and to award prizes to

winners. VCOs are given preference for giving lectures and conducting competitions. Books, pamphlets, posters, etc are printed by the Commissioner of Civil Supplies and Consumer Protection Officers.

One CCC-college per taluk has been selected to conduct out reach camps through their CCC-students in five remote villages of the taluk. The college selected for conducting the out reach camps will spread consumer awareness messages among the mass dwelling in remote villages at grass root level by conducting Nukkad Nataks, Street Shows, etc. Pamphlets containing awareness messages on consumer protection and on PDS will be distributed by the students to the mass gathered during out reach camps. VCOs have guided the students for the camps. Pamphlets, posters, etc are printed by the Commissioner of Civil Supplies and Consumer Protection and distributed to the colleges that the conducting the program through District Supply and Consumer Protection Officers. Duration of conducting one program in one village will be for three hours and approximately students have spent fifteen hours for conducting out reach camps in five remote villages of one taluk.[87]

It has been proposed to create consumer awareness through the State and District machinery for reaching remote and backward areas, targeting rural consumers at grass root level, educating them of their consumer rights, empowering them with information to ward off exploitation and redress grievances. Adhering to the guidelines issued by Government of India following activities are carried out during the month of February 2011 to spread out consumer awareness messages at grass root level. According to the statistics there are 2994 colleges and 8142 secondary & higher secondary schools totaling about 11136 educational institutions. Out of 11136 educational institutions 1500 institutions have established Citizen Consumer Clubs which is 13.4 percent. Hence it has been decided to motivate non-CCC educational institutions to form CCC and to facilitate existing CCC by conducting festival and out-reach camps.[88] Accordingly three projects have been designed and all the projects are decided to implement through colleges that have established Citizen Consumer Clubs. Non-CCC educational institutions of a district are invited and given orientation for formation CCC in their institution. Successful CCC College in a district has conducted the program. Eminent speakers gave lectures on various topics on

[87] Annual Report, 2010-2011, TANSSCOPE, Chennai 2011, pp.27-29.
[88] Government of Tamilnadu , Policy Note on Food and Consumer Protection 2012-2013, Chennai, 2012, pp.24-25.

consumer protection. VCOs are given preference for giving lectures. Rs. 15,000/- has been provided each district for this half-a-day program and Books, pamphlets, posters, etc. are printed and sent from Commissioner's office.

All educational institutions of a district were gathered under one roof and exhibitions, competitions, lectures, dramas, etc., on consumer protection related topics are arranged. Successful CCC College in a district conducted the program. Rs. 70,000/- had been provided to each district for this one day program and Books, pamphlets, and posters were printed and sent from Commissioner's office. CCC college students in a taluk conducted outreach camps in five remote villages of the concerned taluk. CCC Students spread consumer awareness messages among the mass dwelling in the remote villages at grass root level by conducting Nukkad Nataks and Street Shows. Pamphlets containing awareness messages on consumer protection and on PDS were distributed by the CCC students to the mass gathered during outreach camps. Rs. 10,000/- had been provided to each Taluk for conducting outreach camps in five remote villages. CCC students spent about fifteen hours for conducting outreach camps in five remote villages of a taluk. DS & CPO formed Celebration Committee comprising of Teacher CCC Co-coordinator of the educational institution selected for conducting project, three reputed VCOs of concerned district, all TSOs of district and one official from DS & CPO's office.[89] Preparation of invitations, arranging of resource persons, approaching Government Departments of the district for launching stalls during consumer festival and overall supervision were the responsibilities of DS & CPO. CCS & CP had provided necessary Funds to the district administration for distribution to colleges selected for conducting the program. Reading materials such as booklets, pamphlets, posters and DVDs to the participants attending the program had been provided by Commissioner of Civil Supplies and Consumer Protection through District Supply & Consumer Protection Officer.

A seminar to discuss about the rights and responsibilities of consumers towards investment schemes was conducted on 8 May 2010. TANSSCOPE had organized the program through FEDCOT, a VCO, by providing financial assistance of Rs.49,755/- [90]VCOs from all corner of the State participated. Eminent personalities offered valuable information towards

[89] Tamilnadu Government , Policy Note on Food and Consumer Protection 2012-2013, Chennai, 2012,p.30.
[90] Report of the Seminar on Rights and Responsibilities of Consumers, FEDCOT, dated 8 June 2010, pp.1-24.

safeguarding the interest of consumers against unethical trade practice in financial trade. Another seminar to bring out awareness on sustainable consumption of resources like water, electricity, fuel, etc. among general public was conducted on 25 February 2011. TANSSCOPE had organized the program through two VCOs namely Tirunelveli District Consumer Protection Association, Palayamkottai and Women Consumer Protection Organization, Madurai by providing financial assistance of Rs.90,000/- The seminar is meant for housewives, school children and booklet with awareness information about sustainable consumption was also released. In order to provide a platform for consumer activists to exchange their experiences and to train the upcoming consumer activists for providing efficient services to general public in an ethical manner, a two days orientation-cum-training was conducted at Gandhigram Rural University, Dindigul district on 13 and 14 November 2010.[91] The program has been organized through FEDCOT by providing financial assistance of Rs. 1,26,897/-. VCOs from all the districts are participants and the program includes training on awareness generation, counseling, complaints handling, establishment and managing Voluntary Consumer Organization, etc.

In order to propagate consumer awareness information, a stall had been set up in the Tamil Nadu Tourism and Trade Fair 2011 conducted by Government of Tamil Nadu, Tourism Department from January 2011 to March 2011.[92] The visiting public were provided pre-purchase and post purchase consumer advice for availing goods or services through the staff of Consumer Advice Centre, Chennai. Besides providing pamphlets containing valid consumer awareness information, short consumer awareness television clippings were also screened for the information of Public visiting Trade Fair 2011.

Awards for Districts Collectors for exceptional performance in consumer grievance redressal were given to motivate better performance. Besides this, Awards were also issued to best VCO, Best School CCC and Best College CCC. State Level CP awards 2009 were given to the winners during the State level National Consumer Day 2010 & World Consumer Day 2011 held at Tiruchirapalli district on 5 January 2011.

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[91] *Report of the Orientation cum Training for VCOs Dindigul* , Gandhigram Rural University, dated 30 November 2010.
[92] *The Hindu,* Trade Fair Attracts over Seventeen Lakh People, dated 8 March 2011.

To educate consumers about their rights, in general, and laws standards, rules and codes in each sector through print media, a well designed quarterly magazine Tamil Nadu Nugarvoor Kavasam was published and distributed to all Government Offices, Voluntary Consumer Organisations and Public Libraries in the State. This registered magazine had been priced as Rs.10 per copy and was receiving subscriptions from public and Directorate of Public Libraries. Every month 8500 copies of magazine were printed. An exclusive web site with valuable information for consumers like definitions, duties and responsibilities of consumers was maintained through National Informatics Centre, Chennai. The said website contained details of all programmes on consumer protection / awareness, all publications of this Department besides having provision for filing complaints regarding exploitation of consumer rights. Also the website provided information relating to all the services provided by Civil Supplies and Consumer Protection Department.

Consumer protection measures/methods can be understood by dividing them into three categories namely promotional activities, Government legislative measures, and judicial machineries at the National, State and District levels for consumer grievance redressal. It is undisputed that consumers constitute the largest unorganized public body in the country and protection of their interests and rights is of vital importance in a well regulated and independent mechanism to provide quality goods, services and utilities to the satisfaction of consumer.

Among the promotional activities of government departments, Tamil Nadu State Society for Consumer Protection and Empowerment (TANSSCOPE) stands first. It is the State Governmental Organization responsible for promoting and coordinating all the activities relating to consumer awareness and protection in Tamilnadu.[93] TANSSCOPE had been formed and the Commissioner of Civil Supplies and Consumer Protection was nominated as its President Ex-officio. It was registered under Tamil Nadu Societies Registration Act, 1975 and Certificate No. 70/2009 was obtained from the Registrar of Societies Central Chennai. This Society also takes steps to raise funds from State Government, National and International agencies for undertaking Consumer Protection and awareness generation activities in a large scale. All consumer awareness activities are implemented by the Commissioner of Civil Supplies and Consumer

[93] Government of Tamilnladu G.O. (Ms.) No. 210, Co-operation, Food and Consumer Protection (H2) Department, dated 12 December 2008.

Protection Department, Government of Tamil Nadu in co-ordination with VCOs in State/District mailing list. Presently, TANSSCOPE is disbursing the fund amount to the concerned organizations adhering to the orders of Commissioner of Civil Supplies and Consumer Protection Department, Government of Tamil Nadu. The following are the office bearers of the society. Commissioner of Civil Supplies & Consumer Protection as the President and Additional/Joint Commissioner of Civil Supplies & Consumer Protection(CCS & CP) as the secretary, Deputy Commissioner I, O/o. CCS & CP, Chennai as Joint secretary, Deputy Commissioner II, O/o. CCS & CP, Chennai, Assistant Commissioner I, O/o. CCS & CP, Chennai, Special / Additional / Joint Secretary, Co-operation, Food and Consumer Protection Department, Government of Tamil Nadu, and Joint Secretary / Deputy Secretary, Finance Department, Government of Tamil Nadu as members.[94]

Majority of consumers of Tirunelveli district are ignorant about consumer laws and do not know the role of consumption vis-à-vis economic system. The entire marketing operation is aimed at profit maximization at the expense of consuming people. Malpractices like adulteration, short weights and measures, high prices, false and deceitful advertisement and packaging are pervading the market even when the government claim to have passed maximum legal laws protecting consumers compared to other countries in the world. Consumers are ignorant and feels powerless to utilize the available redressal mechanism to resolve their grievances. Consumer laws are not popularized among the common people and they are unable to comprehend them because they are framed in highly technical terminologies. Consumer awareness programmes are not systematically organized for students as well as people. Consumer awareness programmes are not part of the curriculum for both school and college students. Celebrating consumer days twice a year is not sufficient to create consumer awareness.

[94] Ibid.

CHAPTER III

INBUILT SECTORAL REDRESSAL MECHANISMS FOR CONSUMERS

Consumer Protection Act 1986, Section 2(1) (0) defines service as ‘service of any description which is made available to potential users’ in connection with banking, financing, insurance, etc. [1] Other than these consumers avail the services of different government departments such as electricity, telephone, public distribution system (PDS), liquefied petroleum gas (LPG) and Ulavar Shanthai. The government also regulates the services provided to consumers by private sector with regard to safety of food articles, the implementation of Maximum Retail Price (MRP) and the fare of private auto services. All these services could be categorized under the term public utility services.

The service through insurance industry is a major service available to consumers. In India, insurance has a deep-rooted history. Insurance in various forms has been mentioned in the writings of Manu (Manusmrithi), Yagnavalkya (Dharmashastra) and Kautilya (Arthashastra). The fundamental basis of the historical reference to insurance in these ancient Indian texts is the same i.e. pooling of resources that could be re-distributed in times of calamities such as fire, floods, epidemics and famine. The early references to Insurance in these texts have reference to marine trade loans and carriers' contracts. Insurance in its current form has its history dating back until 1818, when Oriental Life Insurance Company was started by Anita Bhavsar in Kolkota to cater to the needs of European community. [2] The pre-independence era in India saw discrimination between the lives of foreigners (English) and Indians with higher premiums being charged for the latter. In 1870, Bombay Mutual Life Assurance Society became the first Indian insurer.[3]

Insurance is a subject listed in the Union list in the Seventh Schedule to the Constitution of India where only centre can legislate. The insurance sector has gone through a number of

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[1] The *Consumer Protection Act 1986*, Universal Law Publishing Co. Pvt. Ltd, New Delhi,2005, p.7.

[2] *Journal of Services Marketing*, Customer Satisfaction with Service Quality in the Life Insurance Industry in India, Vol.V No.1. March 2007, pp. 25-30.

[3] Ibid.

phases by allowing private companies to solicit insurance and also allowing foreign direct investment of up to twenty six percent, the insurance sector has been a booming market. However, the largest life-insurance company in India is still owned by the government. [4] At the dawn of the twentieth century, many insurance companies were founded. In the year 1912, the Life Insurance Companies Act and the Provident Fund Act were passed to regulate the insurance business. The Life Insurance Companies Act, 1912 made it necessary that the premium-rate tables and periodical valuations of companies should be certified by an actuary.[5] However, the disparity still existed as discrimination between Indian and foreign companies. The oldest existing insurance company in India is the National Insurance Company Ltd., which was founded in 1906 and which continues to be in business.

The Government of India issued an Ordinance on 19 January 1956 nationalizing the Life Insurance sector and Life Insurance Corporation came into existence in the same year. The Life Insurance Corporation (LIC) absorbed 154 Indian, sixteen non-Indian insurers as also seventy five provident societies—245 Indian and foreign insurers in all. In 1972 the General Insurance Business (Nationalization) Act was passed by the Indian Parliament, and consequently, General Insurance business was nationalized with effect from 1 January 1973. 107 insurers were amalgamated and grouped into four companies, namely National Insurance Company Ltd., the New India Assurance Company Ltd., the Oriental Insurance Company Ltd and the United India Insurance Company Ltd. The General Insurance Corporation of India was incorporated as a company in 1971 and it commence business on 1 January 1973. The LIC had monopoly till the late 1990s when the Insurance sector was reopened to the private sector. Before that, the industry consisted of only two state insurers: Life Insurers and General Insurers with four subsidiary companies. With effect from December 2000, these subsidiaries have been de-linked from the parent company and were set up as independent insurance companies: Oriental Insurance Company Limited, New India Assurance Company Limited, National Insurance Company Limited , and United India Insurance Company Limited.

Currently, in India only two million people namely 0.2 percent of the total population of one billion are covered under Mediclaim, whereas in developed nations like USA about seventy

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[4] Gupta. P.K., *History of Insurance Sector in India*, New Delhi, 2006, p.39.
[5] *Ibid*.,p.67.

five percent of the total population are covered under some insurance scheme.[6] With more and more private companies in the sector, the situation may change soon. The insurance sector went through a full circle of phases from being unregulated to completely regulated and then currently being partly deregulated. It is governed by a number of acts. The Insurance Act of 1938 was the first legislation governing all forms of insurance to provide strict state control over insurance business.[7] Life insurance in India was completely nationalized on 19 January 1956, through the Life Insurance Corporation Act.[8] All 245 insurance companies operating then in the country were merged into one entity, the Life Insurance Corporation of India. Life Insurance Corporation of India is servicing its customers through eight Zonal offices. 113 Divisional offices, 2048 Branches, 1202 Satellite Offices, more than 1.19 lakh employees and 12.78 lakh agents.[9]

Besides life insurance, through its various subsidiaries, it is involved in providing various financial services namely, LIC Pension Fund Limited. LIC Housing Finance Limited, LIC Mutual Fund, LIC Card Services Limited, LIC Financial Services Limited and LIC Care Homes Limited . LIC had conceived the idea of customer zones as a one stop resolution for all servicing needs of Phone-in and walk-in customers with special emphasis on quality experience for the customer. There were at present seventy three customer zones in India and Tirunelveli has one of those customer zones. [10] The General Insurance Business Act of 1972 was enacted to nationalize the about hundred general insurance companies then and subsequently merging them into four companies. All the companies were amalgamated into National Insurance, New India Assurance, Oriental Insurance and United India Insurance, which were headquartered in each of the four metropolitan cities.

Until 1999, there were no private insurance companies in India. The government then introduced the Insurance Regulatory and Development Authority Act in 1999, thereby de-regulating the insurance sector and allowing private companies. [11] Furthermore, foreign

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[6] *Ibid*.,p.89.
[7] Stuart, P., *Statutes, Bare acts, Rules- LIC* , Lucknow, 2013. p.15.
[8] Ibid.
[9] Report Presented at the LIC Policy Holders' Council Meet, dated 23 March 2013.
[10] Ibid.

[11] Government of India, *The Insurance Regulatory and Development Authority Act, 1999*, New Delhi, 2011, p. 69.

investment was also allowed and capped at fifty one percent holding in the Indian insurance companies. In 2006, the Actuaries Act was passed by parliament to give the profession statutory status on par with Chartered Accountants, Notaries, Cost & Works Accountants, Advocates, Architects and Company Secretaries.[12] A minimum capital of US$80 million (Rs.400 Crore) is required by legislation to set up an insurance business. [13] IRDA controls all the Insurance business in India. They are setting structure and boundaries for the insurance companies to act within. Starting from licensing to approving the products, IRDA directs the companies in India. They also protect customer interests in the country. As per current guidelines issued by IRDA, Insurance Companies are not permitted to invest in Indian Depository Receipts, while they are permitted to invest in Equity shares/ Bonds/ Debentures. IRDA needs to remove this disparity to open up investment opportunity by Insurance Companies and thereby also enhance the liquidity of Insurance Depository Receipts. In addition, there are a dozen Ombudsman offices to address client grievances.

The IRDA has also established the Consumer Affairs Department to take care problems of consumers.[14] The Grievance Cell looks into the complaints from policyholders against life and non-life insurance companies. Prospects and policyholders are advised to first file their complaints with the respective insurance companies. The Grievance Cell facilitates redressal by taking up the complaints with the company. Where required, investigations and enquiries are carried out by IRDA. IRDA has provided an alternative channel for prospects and policyholders to lodge complaints with the Grievance Cell by launching the IRDA Grievance Cell (IGCC). The IGCC receives and registers complaints through a Toll Free Number namely 155255. Complainants can also track the status of their complaints through IGCC. IRDA has recently introduced the Integrated Grievance Management system (IGMS), a comprehensive solution which not only has ability to provide a centralized and online access to the policyholders but complete access and control to IRDA for monitoring market conduct issues of which policyholders grievances are the main indicators. IGMS is having the ability to classify different

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[12] Government of India, *The Actuaries Act 2006*, New Delhi, 2011, p. 18.

[13] Gupta. P.K., *op.cit*, p.43.
[14] Government of India, *The Insurance Regulatory and Development Authority Act, 1999*, New Delhi, 2011, p. 36.

complaint types based on pre-defined rules. The system is able to assign store and tract unique complaint Ids and also enable intimation to various stakeholders, as required, within the workflow. The system enables the Target Turnaround Times (TATs) and serves to measure the actual TATs on all complaints. The system has set up alerts for pending tasks nearing the laid down Turnaround Times. Thus, the system will automatically trigger activities at the appropriate time through rule based workflow.

The Department releases advertisements through audio, video and print media to disseminate information regarding the need of insurance, about generic products and grievance redressal channels. The advertisements are released in English, Hindi and various regional languages. The department also examines any other issue of relevance to Policyholder Protection and co-ordinates with the respective Regulatory Departments for necessary action. The Department sponsors Consumer Bodies to conduct seminars to educate prospects or policyholders in matters relating to Life Insurance or General Insurance as and when appropriate proposals are received from them while it also provides fillip to organizations that approach it to prop their research work.

The following are the matters relating to Insurance Ombudsman: [15] Complainants who approach the Authority on Claims related disputes, are advised to approach the Insurance Ombudsman. Representations received against the Order of Insurance Ombudsman/ delay in Ombudsman's Award is taken up with the GBIC. Complaints against Insurance Companies in the matter of non compliance of Ombudsman's awards are taken up with the insurers. Such complaints originate from both policyholders and the Insurance Ombudsmen. Collation of data on complaints are processed/disposed of by Insurance Ombudsmen. The data received from the GBIC is used for publication in the Annual Report and also for other requirements. Suggestions/inputs given by the Ministry/Ombudsmen in their Annual Reports are useful enough to be taken up with the concerned stakeholders .

RTI applications relating to policy holder issues are received and disposed of by responding to RTI applicants within the time stipulated by RTI Act, 2005. [16] Orders passed, if any, on the Appeal by the RTI applicant to the First Appellate Authority, IRDA as also the

[15] Personal Interview with Karuppiah, Senior Divisional Manager, Palayamkottai, dated 6 February 2011.
[16] Personal Interview with Karuppiah, dated 6 February 2011.

Second appeal to the Central Information Commissioner and Orders, if any, passed by him, are attended to with utmost promptness.

It is found that consumers are taking life insurance policies, health insurance polices and motor vehicle insurances. In Tirunelveli the following insurance companies were functioning. The government owned insurance companies were Life Insurance Corporation of India, functioning at Trivandrum Road, Palayamkottai, the National Insurance Company, S.N. High Road , Tirunelveli, Oriental Insurance Company, Trivandrum Road Palayamkottai and the New India Assurance Company, S.N.High Road, Tirunelveli Town. There were also a few private insurances such Iffco-Tokyo insurance company, Max New York Life Insurance Company, Star Health Insurance Company, etc.[17]

Policy holders' Grievance Redressal Cells exist in all the officers of the Corporation. They are headed by Senior Officers who can be approached by policy holders for redressal of their grievances, on any day but particularly on every Monday between 2.30 p.m. and 4.30 p.m. without prior appointment. The Chief Manager, Senior or Branch Manager was to be approached at all Branch Offices. The Manager (CRM) was to be approached at all Divisional Offices. The Regional Managers were to be approached at all zonal offices. At the Central office, the Executive Director (CRM) was to be approached for conventional polices; the chief (HI) for health insurance policies; the Chief (P & GS) for group Insurance policies and the Secretary (MI) for Micro Insurance policies.

This was a case of negligence in service in the insurance sector. The consumer complaint No is 63/2010. It was filed by Agnes, a medical practitioner of Palayamkottai against the National Insurance Company Limited, Tuticorin. The complainant had insured her vehicle Honda City bearing registration No TN 72 S 7777 with the opposite party against policy number 651104/31/09/6100005529 for the period from 23 October 2009 to 22 October 2010. The above vehicle met with an accident on 1 February 2010 around 7.30. a.m. near Pulvaipatti, Sattur in the National Highways. The Sattur police had registered a case regarding the case in Cr.No 52/2010 under section 279 IPC. The cost of repair was estimated Rs.4, 26,364/- But the insurance company had insured the vehicle only for Rupees 3,70,500 /- Therefore the insurance company

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[17] Personal Interview with Chakravarthyraju, Chairman, Club Member, Palayamkottai, dated 6 February 2011.

was liable to pay Rs.3,70,000/=. The claim form was sent to the opposite party and they had not settled the claim . When a notice was issued they were offering to settle the claim at Rs.1,60,000/= only . After the enquiry it was ordered that the complaint was allowed and the opposite party was directed to pay Rs.2,60,000/- as full settlement of the claim and to pay Rs.15,000/= as compensation and Rs. 2000/= towards the cost of the proceedings.

In Tirunelveli district electricity is provided by the Tamil Nadu Electricity Board (TNEB). The Tamilnadu Electricity Board was originally formed as Madras State Electricity Board on 1 July 1957 according to the Electricity Supply Act of 1948 as a successor to the erstwhile Electricity Department of the Government of Madras under the authority of the Department of Power. It was responsible for electricity generation, distribution and transmission, and it regulated the electricity supply in the state. Later it was renamed Tamil Nadu Electricity Board. TNEB, a wholly-owned statutory body of Government of Tamilnadu is the largest Electricity Board in the state with 21.3 million number of consumers as of 31 March 2010 and one of the top few state utilities in terms of energy sales. TNEB's own capacity for power generation stood at 5690 MW for the year 2010 of which thermal and hydel generation capacity constituted fifty two percent and thirty eight percent, respectively.[18] TNEB also sourced a significant portion of its requirement from central power sector utilities like National Thermal Power Corporation Limited, Neyveli Lignite Corporation Limited and Nuclear Power Corporation of India Limited besides Independent Power Producers in the State.[19] Other sources, from where power was purchased, included captive generating units, co-generation units and wind mills. Tirunelveli electricity circle is significant because this circle was not only electricity consuming circle but also electricity producing circle with hydro electricity produced at Papanasam, with wind energy based electricity production at Aralvaimozhi and Tenkasi as well as the forth coming Koodankulam atomic energy based electricity production. In October 2008, the Government of Tamilnadu decided to split TNEB into three companies. Under the reorganization and transfer scheme of TNEB under issued by Government of Tamil Nadu with effect from November 1, 2010, TNEB was reorganized into TNEB Limited as the holding company with two subsidiaries. One was Tamilnadu Generation and Distribution Corporation Limited (TANGEDCO) which was responsible for power generation. And the other was

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[18] Thomas. A., *Wind Power Systems*, New Delhi , 1991, p.21.
[19] Ibid.

Tamilnadu Transmission Corporation Limited (TANTRANSCO) which was responsible for power transmission. [20]

Tamilnadu Electricity Regulatory Commission is the apex body constituted by government of Tamilnadu to regulate the electricity related affairs. Tamilnadu had been divided into thirty nine circles to moderate the distribution of electricity. Consumer Grievance Redressal Forums (CGRF) had been constituted in all the thirty nine distribution circles of the Tamil Nadu Electricity Board across the Tamilnadu State. Tirunelveli Circle was one of those thirty nine distribution circles with its office at the premises of the Tamilnadu Electricity Board , Thyagaraja Nagar , Tirunelveli 627 011. Consumer Grievance Redressal Forum consisted of a three-member body headed by the TNEB Superintending Engineer and two other members –one with a legal background and the other a consumer activist – nominated by the respective District Collector. These forums were constituted for undertaking fast and time-bound redressal of consumer grievances such as complaints in billing, those relating to giving new service connection, replacement of meter, name transfer, change of tariff and complaints relating to shifting of service/meter. The CGRFs was not meant to take up cases of theft of energy and unauthorized power usage. This forum received petitions from the electricity consumers , met once in a month and settled the consumer grievances amicably and speedily. In Tirunelveli, this forum was functioning from 2005. At present, A.Subramanian, Superintending Engineer is the President, and Manikandan, Advocate and Government Pleader and Venkatachalam, Vice President of FEDCOT are members. [21]

It was the responsibility of the Chairman of the forum, to ensure that the vacancies of the members of the forum are filled up in time so that the forum had sufficient quorum to dispose the petitions received. CGRF Regulation 3(6), in this regard stated that the quorum of the Forum was two among the three members, which included the Chairperson. The post of the members was not to be kept vacant for more than two months. The District Collector was to be approached three months in advance as and when a vacancy arose. Delays were to be brought to the notice of the Commission. Chairman was responsible for compliance of the time schedules prescribed for dealing with consumer grievance petition. CGRF regulation 7(7), in this regard stated that the

[20] Government of Tamilnadu G.O.(Ms).No.2, Energy (B2) Department, dated 2 January 2012.
[21] Personal Interview with G.Venkatachalam, Vice President of FEDCOT, dated 30 January 2011.

forum completed the enquiry as expeditiously as possible and every endeavor was taken to pass appropriate order on the complaint within a maximum period of two months from the date of receipt of the complaint by the Forum.

Chairman was held responsible for ensuring the dissemination of the information on CGRF to the common public/ consumers. It was expected that the chairman made arrangements for the display of a prominent and eye catching notice in Tamil, at all offices of the distribution , starting from each section office, bill collection centers informing the consumers to approach directly with a petition before the CGRF for all their service related problems and that they need not exhaust the intermittent channels such as Assistant Executive Engineers and Executive Engineers. It was also expected that the following statement should be printed in the applications/bills/receipts issued by the licensee (TNEB). "Consumers whose grievance is not redressed by the official of the licensee may approach the Consumer grievance Redressal Forum(CGRF)." He also made media publicity at regular intervals with details such as address of Chairman / CGRF, telephone numbers, e-mail address so that consumers could contact him easily. He also issued press releases to local papers, local TV channels, on the composition of forum, cases disposed and consumer feedback on the redressal mechanism. The chairman also contacted territorial AIR officials and arranged for radio talk to educate the public about the forum. Above all, he also informed and educated all officers under his control about the forum, the governing regulations and made them to pass on the information to the consumers, because, only the field officials came in direct contact with the consumers.

The grievance disposal procedure consisted of the following steps. Since the disposal was time bound, the Chairman designated the Executive Assistant or PRO and made them responsible to maintain a register to watch the progress of each grievance, adhere to the specified time periods and bring to Chairman's attention on any overshoot etc., for immediate action. CGRF Regulation 7 was scrupulously followed in grievance handling procedure. As stated in 7(1), on receipt of the grievance from any complainant, the Chairperson made endorsement on the grievance subscribing his dated initial. As per Regulation 7(2), within seven working days of receipt of a consumer grievance, the forum sent an acknowledgement to the complainant. If a petition was returned for attending to any defect, it was done so with the knowledge of the

Chairman and all the defects were indicated in one go. Petitions not authenticated with signature / thumb impression etc., were also returned for authentication. When a petition was anonymous, act as per the regulation 7(2) the same was rejected on receipt and placed before the forum in the next available opportunity for recording the same. Admissibility was decided within ten days of receipt of the petition. In case a petition was rejected the fact should be informed to the petitioner in writing with reasons. As specified in Regulation7(4), when the complainant or his representative failed to appear on the date of hearing before the Forum, the Forum either dismissed the complaint for default or decided it on merits . Any petition was finally disposed of within two months from the date of receipt and the order was invariably communicated to the consumer so that he was at liberty to appeal to Ombudsman within thirty days.

The final orders of the forum on the grievance was a speaking one, narrating the grievance, issues to be decided, applicability of regulations/codes etc., reply by the respondents and final decision. The order was signed by all the members. The dissenting view of any of the members was also recorded and communicated. The order spelt out the appeal provision to the Ombudsman and time limit of thirty days for appeal. If, in the course of the hearing by the forum, the outside members insisted for a decision, which was not in line with the Act/ Regulations/Codes/Standing instructions of the licensee etc., but had to be ordered on the basis of majority of votes (two outside members), it was the responsibility of the Chairman/CGRF to bring it to the attention of the other two Members and also record the same in the final orders.

The Tamil Nadu Electricity Regulatory Commission had embarked on the task of organizing meetings in each distribution region in the State with the twin aims of educating the TNEB officers regarding the procedure for redressal of grievances and the implications of delay in disposal of cases as well as to create awareness among consumers about their rights under the Electricity Act, 2003 and to enlighten them about the forum to which they should take up their grievances with. The Commission had already conducted programmes at Vellore to cover Vellore, Dharmapuri, Kancheepuram and Tirupattur distribution circles and at Madurai to cover Dindigul, Madurai, Ramanathapuram, Sivaganga and Theni distribution circles, said R Balasundaram, President, Tamil Nadu Electricity Consumer Joint Council and President of

TECA.[22] He was at Tirunelveli to speak at such a seminar on "Protection of Consumer Interest under Electricity Act 2003" organised by the Commission. Balasubramanian spoke about the changing scenarios in the wake of the Electricity Act 2003. He stressed the necessity for the TNEB officials to change their mindset to meet the new situation and the consequences for failing to adhere to the prescribed standards. He had separate interaction with the consumers to sensitise them on their rights under the new Act and Regulations and the quantum of compensation in case of default. The idea was to expose the participants to the rights they now have under the new Act and Regulations and educate them. It was pointed out that the consumers could get appropriate remedy from the TNEB's Consumer Grievances Redressal Forum (CGRF) in every circle for delay in giving new service connection (time limit thirty days), complaints in billing (within due date for payment), replacement of meter (thirty days), shifting of service or meter (twenty five days), name transfer (seven days), change of tariff (seven days) and response to complaints (ten days). The CGRF which received 431 complaints in 2006, disposed of 399 petitions. Similarly against the 484 complaints received in 2007, 426 were settled and 391 petitions were disposed of in 2008 against the 448 complaints received. Till September 2009, the CGRF received over 600 complaints. It was also pointed out that if consumers felt that they did not get appropriate remedy for their problems, they were eligible to approach the State Electricity Ombudsman and its verdict could be challenged in the High Court by filing writ petitions. Mr. Balasubramanian said that the Electricity Act, 2003 had empowered the power consumers with lot of rights and facilitated statutory mechanisms for fast and time-bound redressal of consumer grievances. He pointed out that as many as 1,497 cases had been registered in the forum from 2006 to March 2009. The forums had disposed of 1,304 cases up to March 2009, he added. The Ombudsman had received petitions sent to it for higher appeal, he said adding that the Ombudsman had registered over 100 cases from 2006 to November 2009 and disposed of eighty two cases.

As part of the redressal measures, the Tamil Nadu Electricity Board had introduced a unique ten -digit number to every consumer for redressal of grievances, monitoring of

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[22] *The Hindu*, Tamil Nadu Electricity Regulatory Commission to Organize Public Hearings, dated 21 March 2010.

consumption patterns and detection of power theft.[23] The consumer index number was a combination of numbers corresponding to the TNEB circle, section office, local office and the consumer account number. For example, if the number allotted to the TNEB West circle was 5, Anna Nagar division office was 10, sub-division number was 11, local office was 20 and the account number was 200 the consumer's index number would be 5101120200. It worked like the postal PIN code. The software to manage the huge database was being prepared. There were more than twenty eight lakh TNEB consumers in Chennai and two crore across the state. The indexing was to be first carried out in the city and later implemented across the state. By typing the index number, TNEB staff were able to get details about the name, address, phone number and the connected load of a particular consumer. This was used to ascertain whether the customer had paid the bill and if not whether the connection had been disconnected on time. If there was a sudden increase in load of a particular connection TNEB staff verified the reason. Power theft was easily detected this way. The TNEB was creating a database to store all the consumer details. This process ensured that if a consumer's complaint is attended to, he got a message on his mobile phone. It was planned to inform other announcements from the section office to the consumer over phone. Over the years, TNEB's consumer grievance redressal mechanism had seen very little improvement. After the splitting of the TNEB into three TANGEDCO, TANTRANSCO and TNEB Limited, the board had been under pressure to improve redressal and bill collection. Senior officers said that the index number was to be the first step towards this new efficiency. TNEB had also sent a letter to the government seeking to be part of the Sahaj rural kiosks network where people could pay their electricity bills.

The state government assured that power cuts would be passed by 2013, but a report submitted by Tamil Nadu Generation and Distribution Corporation to Tamil Nadu Electricity Regulatory Commission last month projects a shortfall anywhere between 600 MW and 2000 MW for the year 2013-2014. This information was revealed in a counter affidavit filed by the TANGEDCO in a case filed by the Tamil Nadu Electricity Consumers Association (TECA) before TNREC. P Bagavathiraj, Chief Engineer, Commercial TANGEDCO. He made a forecast for January 2013-March 2014 in the affidavit.[24] In that a deficit of 4600 MW was predicted for January which would fall to 1810 MW by March 2014. While there would be unrestricted

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[23] *The Times of India,* Unique ID for *TNEB* Consumers, dated 28 January 2011.
[24] *The Times of India*, Power Cuts to Extend Beyond 2014: TANGEDCO., dated 6 February 2013.

demand for 11,800 MW in January 2013, the net availability would be only 7200 MW. In February, the demand would rise to 12700 MW, whereas the availability would be 7970 MW, while in March the demand would be 12,800 MW and availability would be 8180 MW. The situation is expected to improve from July when rains are expected and the power is expected to narrow down to just 690 MW. Balasundaram, President, Tamil Nadu Electricity Consumer Joint Council and President of TECA, said despite the assurance from the government to mitigate the problem, the affidavit given by the TANGEDCO told a different story. He said the council found that though power situation had slightly improved in the cities, extended power cuts continue in rural areas. The government should provide equitable distribution of power, which was not prevailing in the state, he added. Balasundaram said the council has written letters to all the 300 associations in the state. Accordingly, he said that the next plan of action would be to help industries in the state.

Electricity Board is a major service provider in Tirunelveli district as almost all the houses have electricity supply. There are consumer litigations for their deficiency in service. In 1997, Sivanthi patti a hamlet near Tirunelveli, affected by the surge voltage , supplied by the Tamilnadu Electricity Board due to their negligence. The TNEB was supposed to provide 230 voltage instead, there was 550 voltage of electricity was supplied. Because of this , lot of electrical appliances such as Television, fridge, electrical motors were damaged. The villagers filed a consumer complaint in CC No. 145 / 1997 on the file of Consumer Court, Tirunelveli. [25] On enquiry , the court directed the Tamilnadu Electricity Board to pay adequate compensation.

The telecom sector in India, especially the cellular mobile service had been experiencing exponential growth with approximately 6 million connections being added every month. In the basic service the growth was very marginal. The broadband underwent better growth rate in the year 2007-08 with introduction of Wireless Broadband Access, 3G and penetration of ADSL. With such high growth in any sector some teething problems for stakeholders were always expected. In the telecom sector, along with this high growth, the consumer complaints had also

[25] District Consumer Disputes Redressal Forum, Tirunelveli, Order on Consumer Complaint No. 145 / 1997 , dated 16 May 1998.

multiplied tremendously. The matter had been further complicated with the frequent change in tariff plans and value added services. The complaints from consumers mostly related to tariff matters, billing issues, refund of security deposit, poor quality of service etc.

The Telecom Regulatory Authority of India (TRAI,) was the independent regulator of the telecommunications business in India. The policy of liberalization that was embarked by Prime Minister P.V. Narasimha Rao in the 1990s helped the Indian Telecom sector to grow rapidly. The government gradually allowed the entry of the private sectors into telecom equipment manufacturing, value added services, radio paging and cellular mobile services. In 1994, the government formed the National Telecom Policy (NTP) which helped to attract Foreign direct investments and domestic investments. The entry of private and international players resulted in need of independent regulatory body. As a result, The Telecom Regulatory Authority of India was established on 20 February 1997 by an act of parliament called Telecom Regulatory Authority of India Act 1997.[26] The mission of TRAI was to create and nurture an environment which will enable the quick growth of the telecommunication sector in the country. One of the major objectives of TRAI was to provide a transparent policy environment. TRAI had regularly issued orders and directions on various subjects like tariff, interconnections, Direct to Home services and mobile number portability.

Section 11(1)(b)(v) of the TRAI Act, 1997, mandated the Authority to lay-down the standards of quality of service to be provided by the service providers, ensure the quality of service, and conduct periodical surveys of such service provided by the service providers so as to protect the interest of the consumers of telecommunication service.[27] In view of this mandate and the powers conferred upon it, TRAI had laid down the Quality of Service Regulations on Basic Service and Cellular Mobile Service, Code of Practice for Metering and Billing Accuracy, Broadband Service, Dial-up and Leased Line Internet Access and VOIP based International Long Distance Service. These regulations prescribed the parameters related to the network performance, support services, billing and customers' perception of service.

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[26] Government of India, *Telecom Regulatory Authority of India (TRAI) Act 1997*,New Delhi,2007, p.2.
[27] *Ibid*.,p. 5.

The TRAI Act, 1997 had provisions with regard to handling of Consumer complaints. As per the Act, Telecom Disputes Settlement and Appellate Tribunal (TDSAT) had been given the responsibility of dispute resolution. Section 14 of the Act said of the establishment of Appellate Tribunal. [28] Accordingly the Central Government established an Appellate Tribunal known as the Telecom Disputes Settlement and Appellate Tribunal to adjudicate any dispute between a licensor and a licensee, between two or more service providers or between a service provider and a group of consumers provided that nothing in this clause shall apply in respect of matters relating to the monopolistic trade practice, restrictive trade practice and unfair trade practice, which are subject to the jurisdiction of the Monopolies and Restrictive Trade Practices Commission established under sub-section (1) of section 5 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969); [29] the complaint of an individual consumer maintainable before a Consumer Disputes Redressal Forum or a Consumer Disputes Redressal Commission or the National Consumer Redressal Commission established under section 9 of the Consumer Protection Act, 1986 and the dispute between telegraph authority and any other person referred to in sub-section (1) of section 7B of the Indian Telegraph Act, 1885 (13 of 1885). [30]

The TRAI Act did not provide for the Authority to hear individual complaints and award suitable relief. Accordingly, individual consumer complaints are forwarded to the concerned service provider for redressal. The customer had the option to seek relief in the appropriate consumer forum, in case he/ she was not satisfied with the redressal by the service provider. The TRAI had laid down the mandate that the Quality of Service standards should be maintained so as to protect the interest of consumers. TRAI also looked into various complaints of generic nature regarding violation of its Orders/ Directions/ Regulations. In 2000, the Telecom Disputes Settlement Appellate Tribunal (TDSAT) was constituted through an amendment of the 1997 act, through an ordinance.[31] The primary objective of TDSAT's establishment was to release TRAI from adjudicatory and dispute settlement functions in order to strengthen the regulatory framework. Any dispute involving parties like licensor, licensee, service provider and consumers

[28] *Ibid.*, p.11.
[29] Government of India, *The Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969)*, New Delhi, p.5.
[30] *The Indian Telegraph Act, 1885 (13 of 1885),* New Delhi, p.16.
[31] *India Telecom Monthly Newsletter*, Telecom Disputes Settlement Appellate Tribunal (TDSAT) Constituted, October 2000,p.8.

are resolved by TDSAT. Also, any direction, order or decision of TRAI can be challenged by appealing in TDSAT.

The benchmarks for various parameters were defined under the Quality of Service Regulations provide for service providers to achieve certain levels of performance. To ensure that service providers were really achieving these levels of performance, TRAI had engaged an independent agency to audit the data furnished by the service providers to TRAI and also to conduct survey of the levels of performance of the service providers. The reports of the agency were published from time to time by TRAI to create quality consciousness amongst the service providers as well as the consumers of telecom services. However, the impact till date was limited.

The forums available for redressal of the grievances and settlement of complaints were the following . The first one is the Indian Telegraph Act, 1885. It provided for appointment of arbitrators to handle disputes between service providers and subscriber. However, this was tedious and time consuming. The second one is the Consumer Protection Act, 1986. This was enacted to address complaints from consumers. The Act provides for Consumer Dispute Resolution Forum at the district level, State level and National level. The legal process involved here had three tiers. This legal process for redressal of complaint was both time consuming and expensive considering the stake involved. And the third mechanism was provided as per the Department of Telecom (DoT) direction, dated 22 September 2005. According this all access service providers had set up Consumer Grievances Redressal Mechanism first at the Call Centre level and next level as an Appellate Authority within the company.

In the website of DoT there was an item on public grievances, which provided that Telecom services were being provided in the country by government PSUs viz. MTNL/ BSNL and Private operators to whom the government had issued license. These companies had their own consumer grievances redressal mechanism and were primarily responsible for redressal of all types of complaints of their consumers. However, in case the complaints were not redressed, Department of Telecom (DoT) had a Public Grievance Cell at Sanchar Bhawan, New Delhi,

which received various types of complaints related to telecom services and took up these with the concerned service provider for redressal.[32]

By virtue of Section 11 of the TRAI Act and the Regulation on Guidelines for Registration of Consumer Organizations/ Non- Government Organizations (NGOs) and their interaction with TRAI, 2001, certain consumer organizations/ NGOs were registered with TRAI on the basis of certain rules governing the registration. By and large, consumer organizations/NGOs with sufficiently strong background in the telecom sector were permitted to be registered with TRAI. The Authority (TRAI) interacted with these organizations on a regular basis. After issue of this Regulation, a number of workshops, seminars and interactive sessions had been organized. TRAI further endeavored to develop these organizations so that they act as eyes and ears for the Authority to give feedback on the consumer satisfaction and perception. To achieve this objective, Authority shared information with these organizations in order to enable them to make valuable contribution in our drive to provide quality service to consumers. TRAI in consultation with the Consumer Advocacy Groups (CAGs) and Service Providers had developed a Common Charter for Telecom Services and this was released by TRAI on 24 February 2005 for adoption by all the Telecom Service Providers. [33]The Charter was a voluntary declaration of the Service Providers to promote their services in the best spirit of competition and tradition of service. As per the Common Charter, all service providers agreed to arrange human interface with responsible company executives whose name and identity were made known to the consumers in addition to arrangements like Customer Care Service through Call Centres. On persuasion of TRAI, all the service providers had appointed nodal officers to handle consumer grievances and the details of these nodal officers are published by service providers. The list of Nodal Officers was also available on TRAI website. As per Clause 7 of the Common Charter, the service providers also agreed to inform their subscribers on the reverse of bill issued, the name and address of the nodal officer appointed by the respective service provider for redressal of the consumer grievance.

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[32], *Consultation Paper on the Redressal of Consumer Grievances and Consumer Protection in Telecommunication,* Telecom Regulatory Authority of India ,New Delhi, 2007, p.15.
[33] *The Economic Times*, TRAI Releases Charter for TELECOM, dated 24 February 2005.

Complaints of individual nature received by TRAI were forwarded to the concerned service providers for effectively addressing the issues raised by the complainant. However, in case of generic complaints i.e. complaints affecting a large number of consumers and systemic in nature, TRAI looked into the various issues raised in the complaint and takes effective steps for redressal of the issues. These complaints were pursued with the service providers for early resolution and removing of the generic/ systemic problems. On analysis of complaints received, Authority found various deficiencies, which required putting in place a system to avoid recurrence of such complaints. The Authority had issued a number of directions to Telecom service providers. [34]

The first Direction was dated 3 May 2005. It was about value added services, which mandated that no value added service shall be provided to a customer without the customer's explicit consent. Also no value added service, which was earlier being provided free of charge, shall be made chargeable without the explicit consent of the customer. The second Direction was dated 3 May 2005. It was on premium rate services, which mandated publication of the pulse rate/ tariff for premium rate service in all communications/ advertisements. The third Direction was dated 29 June 2005 It was on information to customers about complete details of the tariff plan, which mandated that the customer should be informed in writing, within a week of activation of service, the complete details of the customer's tariff plan. In addition, as and when there were any changes in any aspect/ item of tariff in the chosen package, the operator shall intimate, in writing, such changes to those subscribers whose tariff packages undergo a change. The fourth Direction was on Docket No. and Termination of Service dated 29 August 2006. This mandated the Service Providers to assign a unique docket number for all service request calls made to the customer care helpline numbers and also special numbers for registering complaints and convey the same to the customer at the time of such a call. This shall be implemented within three months from the date of the issue of this direction; to acknowledge through SMS followed by entry in the next bill the requests made through Telephone call, FAX, SMS, e-mail etc for value added services, the charges for which are of a recurring nature; to

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[34] *Newswala,* TRAI Issues Directions to Telecom Service Providers, dated 3 May 2005.

raise the bill only after adjustment of security deposit in the event of a request for termination of service received from a customer; to terminate the service within twenty four hours of the receipt of a request for termination of service made in writing or within three working days of the receipt of a request for termination of service made through Fax or through e-mail ID registered with the service provider or within seven working days of the receipt of a request for termination of service made through Telephone call, SMS and e-mail. The termination of service was subject to the return or recovery of the customer premises equipment, wherever applicable. It also stopped charging the customer the fixed monthly charges like rental beyond the above prescribed period of termination of service or from the date of last usage, whichever is later.

There were also some provisions in the Licence Agreements relating to Customer Complaint Handling. The various licences mandated the Licensee to notify in writing all the arrangements with respect to repair, fault rectification, compensation or refunds. These licences also provided that all complaints in this regard was addressed or handled as per the guidelines, order, regulation or direction issued by the licensor or TRAI from time to time. TRAI had issued several directions and orders, based on the complaints received from consumers. TRAI had laid down the Quality of Service standards for basic, cellular mobile, Internet (dial-up) and Broadband service. TRAI had also issued the Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulation providing for independent audit of the metering and billing system. Though these Orders, Directions and Regulations address the concerns of consumers, TRAI had not issued any separate Order or Direction or Regulation detailing the procedure for handling consumer complaints.

India's largest mobile service provider Bharti Airtel has earned the dubious distinction of being the company facing the largest number of consumer complaints, according to latest government data. As per the latest data available with the National Consumer Helpline (NCH), as many as 2001 complaint calls were received against Bharti Airtel between March 2010 and February 2011.[35] This was highest number of complaints against a single company, followed by state-owned telecom major BSNL (1986 complaints), PSU giant Indian Oil (1940), Anil

[35] *The New Indian Express*, Airtel Most-Complained Against in India, dated 6 June 2011.

Ambani-led telecom firm Reliance Communications (1792) and Nokia India (1616). Other companies in the top-ten list in terms of number of complaints included Samsung India (1560), SBI (912), BPCL (872), LIC (626) and ICICI Bank (569). NCH is a public service project of the Consumer Affairs Ministry run by Delhi University and has been functional since March 2005. It helps consumers in dealing with problems related to defective products, deficiency in services and unfair trade practices. There were as many as five telecom-related companies in the top ten. It also consists of five public sector firms. According to a presentation by NCH before the Food and Consumer Affairs Minister K V Thomas last week, it has received 67,347 complaint calls between March 2010 and February 2011. Out of total calls, the maximum complaints (twenty one per cent) were for defective products followed by telecom (seventeen per cent) and banking sector (seven per cent). This list showed these companies had not been able to handle the issues being faced by their customers, which forced the customers to seek NCH guidance. It also shed light on the management practices, especially customer redressal process of these companies, This showed that these companies failed to solve the problems being faced by their customers. NCH provided advice to consumers on a three tier model. In the first step, it advised the consumer to approach the concerned organization. In the second step it helped the consumer to approach the regulatory authorities existing in different sectors. The final step was the last option where the consumer was advised to file a case in consumer courts. NCH had handled 3,48,082 calls till March 31, 2011.

Going by the number of complaints and the nature of complaints being received in TRAI it was seen that the present institutional mechanism for handling consumer complaints was not effective enough. The large numbers of complaints received in TRAI revealed that consumers did not have inadequate information about where to register the complaint, the complaint procedure, the time limit within which the complaint would be redressed, how and where the consumer can meet the responsible company executives personally. As a result, the consumer ended up complaining to the President, Prime Minister, Minister, TRAI and Department of Telecom etc. for redressal of the complaints. Recourse to Consumer Courts for redressal of complaints was both time consuming and costly. Hence, there was a need for defining the process for redressal of consumer complaints and also for provision of a speedy, effective,

independent and inexpensive complaint redressal mechanism, within the company i.e. service provider.

A meeting of a group of fifteen consumers using different service providers was formed. They represented different consumer organizations in Tirunelveli District.[36] The following points emerged from the discussion held with them. Currently, some of the private service providers do not have customer care centres or offices in the Tirunelveli city where they are providing service. Instead, these service providers have appointed franchisees/ agents for selling the services. However, these franchisees/ sales agents do not attend to the complaints/ grievances of the customers. As a result, the customers do not have any human interface with responsible officers/ executives of the company for redressal of their grievances. At the same time, many instances have been brought to the notice of the Authority where these franchisees/ sales agents had given false promises of discounts/ schemes. Many complaints emanated from these false promises as they do not give published brochure/ tariff plans, description of the service offered and terms and conditions of contract and procedure for lodging complaints and details.

Most of the Service Providers in Tirunelveli District have not effectively implemented the Common Charter. It was emphasized by CAGs during the half yearly meet that even some of the nodal officers are not aware of the mechanism of Common Charter and their responsibilities. The CAGs expressed their concern about non-implementation of the Complaint Redressal Mechanism (absence of self regulation) and requested for mandating this from TRAI. Complaints received in TRAI reveal that in many cases the complainant is not informed about resolution of the complaint and even the acknowledgement of written complaints is not given nor is the status informed. Even the complaints forwarded by TRAI, which are generic in nature, are either not replied to, replied to very late or replied without undertaking any root cause analysis.

It was pointed out that another issue, which quite often leads to complaints, relates to bill collection. The service providers engaged recovery agents for collection of dues from defaulters. In many cases it happened that these agents further sub-contract the work. TRAI had also

[36] Report of the Meeting with Representatives from Different Consumer Organizations in Tirunelveli District, dated 20 December 2011.

received many complaints that these agents gave threatening calls to the customers. Such cases had been reported even when the bills have been paid, the bill had never been received or the bill was disputed. All this occurred because of lack of supervision of the service providers over their recovery agents/ sales agents/ franchisees. The service provider was fully responsible to its customers and their grievances.

Generally, the telecom consumers were dissatisfied with the complaint handling procedure of service providers.[37] It would not be wholly correct to say that a mechanism for redressal of consumer grievances within the telecom sector is completely missing. As per the instructions of the Department of Telecom, Ministry of Communications and IT, Telephone Adalats in Telecom Circles and Districts were held at periodical intervals by Bharat Sanchar Nigam Limited (BSNL) and Mahanagar Telephone Nigam Limited (MTNL) as an internal arrangement to settle the customers' grievances. The scope of Telecom Adalats included all telecom services provided and billed by the respective Telecom Circles/ Districts. The Telecom Adalats at the Circle level were headed by the Chief General Manager (CGM) and at the District level by the concerned Secondary Switching Area (SSA) head. The Adalats headed by CGMs considered the cases of appeals against the decisions of Adalats chaired by SSA head and the cases, which are not individual but have a repercussion on the entire Circle. The information of holding Adalats by CGM and SSA head was to be given wide publicity through local newspapers and electronic media. The concerned MP and MLAs were also to be intimated in advance. The decision of Adalat was to be a speaking order. The Adalat conducted by the CGM should also evaluate the quality of Adalats conducted by his subordinates. However, this is an internal arrangement of the public sector operators. Similar arrangements did not exist for private sector operators and there appears to be a need of such Adalats or fully functional Independent Appellate Authority for private sector operators, particularly in view of the fast growing telecom consumer base.

The only option available to an individual consumer, in case his/ her complaint was not properly redressed by the service provider, was to approach a consumer court. However, the fact of the matter is that the consumer courts are already overloaded and decisions on any such

[37] Ibid.

complaint filed with a consumer court could take considerable time. At the same time, the consumer had to spend considerable time, energy and money to pursue the case in the consumer court till the court decides the matter. A very important issue in this regard was that many a time the amount involved was not large enough and it is not worthwhile for the consumer, considering the time, energy and money involved, to pursue the case in consumer court. Considering these problems being encountered by consumers, a need was felt to define the consumer grievance redressal process and also strengthen the consumer dispute resolution mechanism so as to ensure a speedy and effective redressal of complaints with no financial burden on consumers.

Every service provider had set up Call Centre in its licensed service area.[38] Presently, some of the service providers had centralized Call Centres covering many licensed service areas. Service Provider shall earmark or allot or establish a basic telephone or cellular mobile number having sufficient lines or connections to be called as the toll free number or consumers care number or help line number at its Call Centres. No call charges shall be levied for calls made to the toll free number or consumers care number or help line number and the service provider shall treat all such calls as free calls.

Public Distribution System (PDS) is a poverty alleviation programme of the government and it contributes towards the social welfare of the people. Essential commodities like rice, wheat, sugar, kerosene and the like are supplied to the people under the PDS at reasonable prices. PDS is a boon to the people living below the poverty line. PDS is the primary social welfare and antipoverty programme of the Government of India. The Government of Tamilnadu is implementing PDS since the year 1964. [39] The scheme Village Shop Programme was introduced by the State with the intention to have one shop for one village in order to feed essential articles to rural public. Subsequently the scheme was converted into PDS with the intention of providing essential commodities to the public both in rural and urban areas at concession rate. Revamped Public Distribution System (RPDS) has been initiated by the Government of India from the year 1992 in order to serve and provide essential commodities to

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[38] *The Statesman,* Service Providers Setting up Call Centres, dated 23 February 2013.

[39] Rajnish, E., *Public Distribution System of India*, Ahmedabad, 2000, p.95.

the people living in remote, backward and hilly areas. Government introduced Targeted Public Distribution System (TPDS) in the year 1997. Central Government and State Governments have been actively involved in steering the operations for the success of the PDS. It is not possible to neglect the PDS in India, because majority of the Indian population are living in rural areas and their standard of living is also poor and they cannot afford to pay the prevailing market prices for the essential commodities. Central Government has provided Rs. 6066 Crore for food subsidy in the Union Budget for the year 1996-97. This has increased over the years and stood at Rs. 21,200 crores in 2002-03. [40]Tamil Nadu sets a model in implementing the PDS as universal system for the cause of eradicating poverty and improving standard of living of the people living below the poverty line. Timely supply of essential commodities is the basic element for the success of the PDS. Infrastructure i.e., Fair Price Shops (FPS), godown facilities and employees are other requisites of the PDS.

The involvement of the Cooperative Societies is noteworthy for the success of the PDS in Tamil Nadu. The total family cards under the PDS in Tamil Nadu are 13230193 as on 30th June 2004. There are 21662 full time FPS run by cooperatives. More than 93 per cent of the fair price shops of Tamil Nadu are managed by cooperatives.[41] With regard to Tirunelveli District there are1181 FPS out of which 949 are run by cooperatives and this figure includes both full time and part time FPS. [42] It shows the extensive involvement of the Cooperative Societies in serving the rural people by taking steps to supply essential commodities in the right time at affordable prices. In addition to the regular and fulltime FPS, Department of Cooperation has established part time FPS in villages. It helps the villagers to purchase the essential commodities in the nearby places. There are 241 part time FPS, twenty two women shops and three mobile FPS functioning in Tirunelveli District. [43]Cooperative societies have become accelerator for the success of the PDS in Tirunelveli as well as Tamilnadu. To procure essential commodities and supply them to the public, an established and organized agency becomes essential. The Food Corporation of India procures essential commodities on behalf of the Central Government. The Tamilnadu Civil Supplies Corporation procures essential commodities on behalf of Government

[40] *Ibid*.,p.103.
[41] *Ibid*.,p.105.
[42] Personal Interview with Veeramani, District Supply and Consumer Protection Officer, Tirunelveli, dated 17 February 2011.
[43] Report at the office of the District Supply and Consumer Protection Officer, Tirunelveli, 2012.

of Tamil Nadu. The lead societies such as consumer cooperatives and marketing cooperatives procure the essential commodities like rice, wheat, sugar and palm oil from the civil supplies corporation and deliver to the Fair Price Shops. The procurement and delivery of essential commodities is performed in every taluk by the lead societies. Kerosene is procured from the private dealers and it is supplied in the FPS. The FPSs are the agents at the field level to distribute the articles to the ultimate beneficiaries in right time. The Cooperatives have become organized agency for the supply of essential commodities to the public in Tamil Nadu. In the procurement stage as well as in the supply stage, the role of cooperatives is the felt need of the hour. Cooperative Societies are actively involved and participated in ensuring food security in Tamil Nadu.

The unique feature of PDS in this State is Tamilnadu Civil Supplies Corporation, Cooperatives and women SHGs governed the entire network. No private dealer was allowed to run FPS. [44]Also, the Government guidelines showed that no family cardholder was to travel more than two kilometers to reach FPS. Further, Cooperatives have been given an important role in the implementation in PDS. For example, as on 30 March 2004, there were 28132 FPS including mobile FPS for the people in remote hilly area functioning in the state. [45]This shows that majority of the FPS are run by cooperatives. In the context of PDS, cooperatives are classified as Lead societies and Link societies.

The goal of PDS does not restrict itself with the distribution of rationed articles. Making available adequate quantities of essential articles at all times, in places accessible to all, at prices affordable to all and protection of the weaker section of the population from the vicious spiral of rising prices is the broad spectrum of PDS. More specifically, PDS aims at [46] making goods available to consumers, especially the disadvantaged / vulnerable sections of society at fair prices, rectifying the existing imbalances between the supply and demand for consumer goods, check and prevent hoarding and black marketing in essential commodities, ensuring social justice in distribution of basic necessities of life, and evening out fluctuations in prices and availability of mass consumption goods.

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[44] Ibid.
[45] Rajnish, E., *op.cit*., p. 106.
[46] Ibid., p.34.

Distribution of the essential commodities is regulated by the family card system. Irrespective of income status of the family, option based family cards had been issued in the year 1998 to all families. Separate family cards had been issued to those who opted to purchase rice and other essential commodities. Normally a full-time FPS shall have the minimum of 800 cards and maximum of 1000 cards in Municipal Corporation and Municipal areas. Full-time FPS in other areas shall have minimum of 500 cards and maximum of 800 cards. As on 1 April 2004 there were 1.52 lakh family cards in circulation in the State.[47] District-wise analysis of family cards in circulation showed that the number of cards in circulation was high in Coimbatore district (7.46 per cent), which was followed by Chennai North (5.06 per cent) and Vellore (4.99 per cent) districts (As per 2000-2001 census Coimbatore tops the list of districts with largest population at 4.224 million, followed by Chennai with 2.16 million). It was reported that during the years 2001-2003, 386614 cards, i.e., more that 2 per cent of the cards in circulation, were found as bogus cards.[48] The number of bogus cards found was high in Coimbatore, which was followed by Chennai North.

The Tamil Nadu Civil Supplies Corporation procures and stocks the essential commodities in advance in a network of owned and hired buffer and operational godowns right up to taluk level. The shop personnel move the stocks from the taluk level operational godowns to the FPS as per allocation made to them by district level authorities every month. At FPS level, the entitlement of rice and sugar is linked to the number of members in each family and that of kerosene is based on the number of LPG cylinders and the nature of the area-rural, urban and hilly. Besides, kakhi color cards were issued to police personnel for drawing kerosene only. For example rice is supplied to the cardholders in one or two installments every month. Based on the number of cards in circulation, entitlement and past off take, it is estimated that 200000 MT of rice, 5000 MT of wheat, 25500 MT of sugar and 73000 KL of kerosene are needed every month for distribution in this State through FPS.[49] In addition, 25000 M.T. rice per month is required for the welfare schemes.

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[47] Nakkiran, S., *A Study on the Effectiveness of Public Distribution System In Tamilnadu*, The Planning Commission, Government of India, New Delhi, 2004,p.45.
[48] Ibid.,p.66.
[49] *Ibid*., p.73.

Inflation is a cold-hearted enemy of social balance and therefore the importance of holding the price line needs no emphasis. Undue price rise erode into the real wages of labour class and benefit the renter class. Since the States have very little say in the national monetary policy, their role essentially revolves around demand management, curtailing non-developmental expenditure and containing fiscal deficit of the budget. With regard to PDS State Government intension is to control the prices of essential commodities of mass consumption. In this study it was found that price is the important factor, which attracts cardholders to purchase PDS articles. Government also to provide safety net to the poor and the downtrodden by subsidizing the price of the PDS articles at much lower than the market price. For example over the years the difference between State average open market price and the PDS issue price of rice was more than Rs.6. Contrary to this, annual off-take of rice has come down over the years from 2413006 M.Ts to 2995978 M.Ts. [50]

Generally rice, sugar, wheat, kerosene, maida and iodinated salt are the commonly distributed items in FPS in Tamilnadu. Also, State Government distributes Ooty tea through FPS so as to protect the interest of the small tea growers of Ooty. Hence, the scope of PDS covers not only the consumption but also the production of essential goods.[51] The progress of FPS in sample districts shows that, though the number of family cards is comparatively less in Nagapattinam district the distribution of rice, wheat is high. This might be due to the severe drought during past several years. In the case of kerosene, it seems the consumption is high in Coimbatore, which may be due to its urban character. Further, against allotment, there is deficit in the distribution in all commodities; particularly it has been high in rice. Officials opined that distribution is made based on entitlement as per the cards in circulation, past distribution level and stock in hand at FPS level. Hence, the difference would in no way affect the cardholders. But the response of the respondents is different.

The Government of Tamilnadu took all efforts to ensure the availability, accessibility and affordability of essential commodities to the poor. Hence, universal PDS was in operation in this State and the Cooperatives were given much importance in the distribution system.[52] Further, the

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[50] *Ibid*., p.78.
[51] *Ibid*., p.89.
[52] *Economic and Political Weekly*, Public Distribution of Cereals: An Alternative Model, 1992, Vol.27 (23), June, p.1209.

involvement of women SHGs in the distribution network ensured safety, transparency, and accessibility and above all reduced the transaction cost. Hence, there was the need for this channel of distribution.

In a bid to provide cheap food for the people of Tamilnadu Chief Minister Jayalalitha announced in the State Assembly on 13 January 2013 that 1000 canteens offering food at a low cost would be opened in Chennai. [53] Of these fifteen canteens were opened on 19 February 2013 at the buildings belonging to Chennai Corporation and other government departments. The cost of one idlie is Rupees one, curd rice Rupees three, Sambar rice Rupees five. It was planned that these canteens would be kept open on all the seven days a week. The women belonging to self help groups worked in these canteens. The women self help groups in Tirunelveli District demanded the opening of such budget canteens in Tirunelveli District. As a consequence , it had been decided by the Tirunelveli Municipal corporation to start such budget canteens in seven places within the Tirunelveli city limits. This progamme was to be known as 'Amma' budget canteen. Tirunelveli Mayor Vigila Satyanand, City Engineer Jai Xavier, Executive Engineer (Planning) Narayananayar, Health Officer Doctor Muneeswari and Assistant Commissioner Samuel Selvaraj inpected the proposed places for the opening of these Amma Budget Canteens.[54]

The next most important commodity all consumers in general require is cooking gas. The Union Government had issued Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2000, under Section 3 of the Essential Commodities Act, 1955. It was republished as the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2000[55]. The same section empowers the State Government or an officer or an agent of the State Government to control production, supply and distribution etc. of essential commodities. Section 4 of the Act confers powers and imposes duties upon the State Government to implement the orders issued under Section 3.[56] The release added that clause 3 of the Order relates to LPG

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[53] *Dhinakaran,* 1000 Canteens Offering Food at a Low Cost would be Opened in Chennai, dated 19 February 2013.

[54] *Dinamalar*, Prosposal to Open Amma Budget Canteens in Seven Places within Tirunelveli Corporation Limits, dated 8 April 2013.

[55] Government of India, Ministry of Petroleum and Natural Gas, G.O.Ms.No.155, Co-operation, Food and Consumer Protection , dated 20 July 2000.

[56] *The Hindu*, State is Empowered to Control LPG Distribution, dated 20 February 2011.

supplied under PDS. The clause restricts supply of one connection of subsidized LPG to a family.

The Department of Food, Civil Supplies and Consumer Affairs has said that people with vested interests are spreading misinformation that the State Government does not have powers to interfere with the subsidized LPG (liquefied petroleum gas) distribution in the State and ask the distributors not to supply gas to ineligible persons. N.V. Prasad, Commissioner, Food, Civil Supplies and Consumer Affairs, said that this stand is contrary to the provisions of law. In a press release here on Saturday, he said that in the last decade, several cases have been booked against LPG consumers, persons in unauthorized possession of subsidized LPG cylinders and the distributors for violating the provisions of the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2000, under Section 3 of the Essential Commodities Act, 1955.[57]

Consumers were facing number of problems in the distribution of the LPG cylinders. The Federation of Consumers and Service Organizations has appealed to the State Department of Food and Civil Supplies to instruct oil companies to come out with a transparent system to regulate the supply of domestic LPG cylinders and announce openly if there was any restriction on refill bookings. In a representation to the Secretary, Food, Civil Supplies and Consumer Protection, M. Sekaran, President of the federation, complained that though oil companies were repeatedly claiming that there was no restriction on booking refills, distributors are allowing booking only after twenty one to twenty five days after the previous supply.[58] Even after this, consumers are delivered the refills only after fifteen to twenty five days after the booking is accepted, he alleged.

This was not sufficient for many families, especially families of working couples. Several consumers were struggling owing to the restriction. Though the district revenue officers were conducting taluk-level grievance redressal meetings for LPG consumers, the problem had not been sorted out. In an attempt to overcome the problem, the oil companies were expected to come out with a transparent system to regulate the supply. Any enforced restriction was expected to be adopted uniformly by all distributors. The oil companies complained that

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[57] Ibid.
[58] Letter of M. Sekaran, President of the Federation to the Secretary Food, Civil Supplies and Consumer Protection, Tamilnadu, dated 3 March 2011.

domestic cylinders were being misused offered no justification for the restrictions. Cases of misuse were curbed from time to time effectively with the help of law enforcing agencies. Besides, oil companies were expected to ensure that the delivery boys of LPG cylinders were paid well so that they did not indulge in any malpractice. Bi-monthly district-level meetings were held by the District Collectors with senior officials of oil companies, distributors and consumer organizations to sort out the problems in supply of LPG cylinders to domestic consumers.[59]

The following was an extract from the reports of a grievance redressal meet to address complaints on LPG supply and delivery, organized by the Civil Supplies and Consumer Protection Department on 15 May 2010. Participants made direct representation to oil company executives about their problems and gave suggestions on improving services. C.N. Maheswaran, Joint Commissioner of the Consumer Protection Department, said that since agencies are involved in distribution, consumers do not know how to redress their grievances. Consumer meets are organized to facilitate dialogue between oil companies and their customers. He said a registry of complaints was maintained and a review undertaken fifteen days after every meet. Maheswaran added that the public have a voice and make representation and gas agencies need not be afraid of their genuine voices . Delay in supply of cylinders was one of the major complaints made by the consumers. It was followed by procedural issues that made transferring a gas connection difficult and attitude of agency dealers. Many persons also raised the issue of domestic LPG cylinders being used for commercial purposes, resulting in delay of supply to households. Responding to the complaint, A. Annamalai, Deputy Commissioner (North) of the department, said that though the act was illegal, public support was required to tackle it. So far, 3,700 cylinders had been seized during that year. But, they relied on someone in the locality to alert them. [60]

Consumers faced another problem with regard to getting LPG gas. The agencies started linking the supply of LPG with the production of Aadhar card. This linking went against periodical statements of the authorities that having the card is optional though possessing one is helpful in the long run. There were still a large number who could not procure application forms despite repeated visits to the out-sourced office nearby. Moreover after submitting the

[59] *The Hindu*, Ensure Transparency in Distribution, dated 5 May 2011.
[60] *The Hindu*, Grievance Redressal Meet Addresses Complaints on LPG Supply, dated 16 May 2010.

application form and collection of biometric data, it took about a month or more to get the card. Moreover the biometric card preparing personnel were telling people not to crowd as there was plenty of time to get a card issued.[61] Those who want LPG (liquefied petroleum gas) connections or refill supplies are not required to produce ration cards hereafter.

Announcing the decision, a release issued on by the State government's Commissioner for Civil Supplies stated that at present, oil companies/gas agencies insisted on the production of ration cards. The government had examined the issue in depth and decided to relax the rule and so said that Ration cards should not be insisted upon by LPG distributors in future. However, the release said the government had ordered that the connections or refill supplies should be given on consumer producing any one of the documents specified by national oil companies. According to the Indian Oil Corporation such documents are electricity bill, telephone bill, passport, employer's certificate, flat allotment/possession letter, house registration papers, Life Insurance Corporation policy, voter's identity card, rent receipt, PAN (permanent account number) card issued by the Income Tax department and driving license. An official in the Civil Supplies Commissionerate says the government stipulation on production of ration cards for LPG connections or refill supplies has been in force for the last one year or so in view of the problem of shortage of gas cylinders. As this rule had caused hardship to people, it was being withdrawn. In June, the State government announced a subsidy of Rupees thirty for households having single cylinder LPG connection. Asked whether the latest decision would cover those who received State government subsidy of Rupees thirty, the official said this issue would be handled separately.[62]

Praja Vikas Seva Trust, a non-governmental organisation, carried out a Statewide campaign to discuss and find solutions to issues afflicting consumption and distribution of domestic cooking gas. The trust discussed a wide range of issues such as problems arising from the cap on subsidized LPG cylinders and problems in the distribution of gas cylinders. A few important issues came to the fore. Displaying two gas cards, a complainant said two persons in had applied for a second cylinder in 2007 and 2011 respectively. However, the distributor had

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[61] *The Hindu*, Linking LPG to Aadhar Card Irrational, dated 22 July 2011.

[62] *The Hindu*, Ration Card not Required for LPG connection, Refill Supply, dated 13 September 2008.

turned down the requests citing shortage of cylinders. He questioned how long should they wait for an extra cylinder. Another issue that came up was the delay in booking cylinders. While some distributors delivered the cylinder in ten days after the stipulated time of twenty one days between bookings was over, other agencies cited self-created rules such as two weeks of delivery time after the thirty days between bookings. The handful of people who attended the meet asked for more clarity and awareness in the guidelines for number of days between bookings, the number of days a distributor could take to deliver a cylinder after a booking was placed, and the exact price of cylinder. The organization urged the State Government to extend subsidies to at least twelve cylinders annually. They slammed the Centre for passing on to consumers the burden of higher commissions demanded by distributors.[63]

Consumers have to be protected by offering safe foods . Access to sufficient, safe and nutritious food to everybody at all times leads to healthy and active life. This can be achieved only through Food Security which is dependent on Availability, Access and the Right use of food. Therefore Food Safety and Standards Act, 2006, Food Safety and Standards Rules, 2011 and Food Safety and Standards Regulations, 2011 have been formulated to ensure a safe food for consumers.[64] As per the Food Safety and Standards Act of 2006, a food safety commissioner has been appointed at Chennai for the whole of Tamilnadu. There is a food analysis laboratory at No 5 Old Police Hospital Road, Samathanapuram , Palayamkottai along with five other laboratories located at Kings Institute campus, Guindy, Chennai , Coimbatore, Madurai, Salem, and Thanjavur. The Palayamkottai Laboratory jurisdiction covers the Southern Districts namely, Kanyakumari, Turicorin, Tirunelveli and Virudhunagar. The practice is that the samples lifted in these areas will be sent to other laboratories for analysis to avoid influence. It was reported that from 2007-2010 samples lifted at the state level are 13441 in number and samples analyzed are 13421. Out of these samples, samples reported adulterated or misbranded are 2092 at the Tamilnadu state level.[65] The salient preparations for the implementation of Food Safety Act were the following. The Food Safety Commissioner was appointed and

[63] *The Hindu*, NGO to Launch Awareness Drive on Domestic LPG Rules , dated 8 October 2012.

[64] Government of India, Food Safety and Standards Act, 2006, Food Safety and Standards Rules, 2011, Food Safety and Standards Regulations, 2011 with Comments & Short Notes, Gazette Notifications, Case Law, Corrigenda, Advisories issued by FSSAI, Commodity & Word Index, Delhi, 2012.

[65] *The Hindu*, Food Microbiology Laboratory Opened, dated 31 January 2011.

notified. Proposal regarding re-designation/ appointment of joint Food Safety Commissioner, Deputy Food Safety Commissioner was sent to State Government of Tamilnadu. Health and Medical Officers were notified as designated Officers. Food Inspectors were notified as Food Safety Officer. Additional District Magistrate was notified as Adjudicating Officer. The process of establishment of Food Safety Appellate Tribunal, and Presiding Officer was started.

The implementation process of the new Act will have to face the following challenges. Different domestic Acts in the State have contradiction and restructuring in the New Act for instance the Dangerous and Offensive Trade Act under Local bodies. Public Health Cadre is there in the State since 1979 and restructuring with Municipalities/ Corporations in the New Act will require a careful thought process. Local bodies get revenue presently for licensing and share in the fine collected under PFA. State would have to take call regarding revenue.

Too many hitches seem to hamper the functioning of Food Safety Officers (FSO). Delay in issue of a GO bringing them under the Department of Public Health and Family Welfare has prevented the 500-odd food safety officers from receiving their first month's salary till date. Repealing the Prevention of Food Adulteration Act, the Food Safety and Standards Act of 2006 was brought in creating the Food Safety and Standards Authority of India. Food safety officers come under the Food Safety Commissionerate. The State, which implemented the new system, brought in 385 FSOs for rural areas, 148 for urban areas, besides thirty in reserve. Sanitary inspectors in local bodies were designated as food safety officers. The first hitch the FSOs now faced was that they have not received their first month's salary. Enquiries revealed that tallying of pay particulars and creation of a separate code and head of account for the treasury to disburse the salary had led to the delay. Sources also clarified that the disbursement of salaries for the FSOs would take place within the next three to four working days. Going by the number of trades listed and merchants existing, Tamil Nadu is the only State to have gone in for creation of more than 500 FSO posts, so that the objective of food safety could be achieved preventing adulteration by frequent inspections. However, the FSOs initially faced a problem of not having any National Accreditation Board for Testing and Calibration of Laboratories (NABL) accredited laboratory. The FSOs need to lift food samples in the event of a suspicion of adulteration. The samples need to be sent to a laboratory. Food Safety and Standards Act

stipulates that testing of food samples done only by laboratories which have the certification by the NABL. There are six laboratories in Tamil Nadu at Coimbatore, Madurai, Thanjavur, Pudukottai and two at Chennai.[66] However, the Government notified that the samples could be tested at the existing laboratories and a GO has already been issued and one-year transition time is given enabling the utilization of the existing laboratories. These laboratories have already commenced the process for NABL certification. Sources also pointed out that making sanitary inspectors as food safety officers and bringing them under Department of Food and Drug Control under the Public Health and Family Welfare was in contravention to the constitutional provision. Sources said that Article 243 (w) of the Constitution and XII schedule says that Food Safety under Public Health is the power and responsibility of the local self governments i.e., local bodies. Officials disputing the contention said that almost all the States excepting in only one local body in Gujarat, the food safety has come under the purview of the Government relieving the local bodies of that responsibility. The objective of taking away food safety from the local bodies to a separate department was to ensure undivided attention on the department.[67] If the FSOs continued with the local bodies, the chances of they being frequently drafted for other pressing works of the local body was more, thus defeating the objective of food safety.

It is reported that the scope of Food Safety and Standards Act has been extended to marriage halls and caterers also. It is mandatory for every kalyana mandapam and those who are engaged in food catering business to register and get proper license from the food safety wing. At the same time, the cooks employed by catering units should obtain medical fitness certificate to ensure hygiene. An awareness meeting about the need to get food safety licence was conducted here on Sunday for the owners of marriage halls in the city. J. Suguna, Designated Officer for Food Safety, Madurai district, told The Hindu that marriage halls should have food safety license as they have a kitchen to prepare food for marriages and other functions. This was the first meeting we had officially organized for this target group of kalyana mandapams and catering people. Cleanliness of kitchens in marriage halls is a top priority since it concerns general public who consume food there. The marriage halls were asked to make enquiries whether the catering contractor booked by customers has the mandatory food safety license.

[66] Personal Interview with Santhanarajan, Former Government Analyst, Kings Laboratory, Chennai, dated 15 February 2011.
[67] *The Hindu*, Hitches Hamper Functioning of Food Safety Officers, dated 20 December 2011.

Normally, a family books marriage hall well in advance and so there is plenty of time available for the caterer to get the licence if it is not obtained already. The marriage hall owners have been asked to instruct their staff to verify the food safety licence of the caterer.[68]

The deadline for food business units to register themselves under the Food Safety and Standards Act 2006 was fixed as 4 February 2013. According to estimates, about 14,000 units are engaged in the food sector in the Tiruchi district. Just about 5,500 units had complied with the requirement in the district so far. Of these, about 4,000 would require licence and the rest would have to be registered. All food business operators with a turnover of Rupees twelve lakh should obtain licence from the designated officer and those with turnover of below Rupees twelve lakh should register themselves with the respective food safety officer as per the provisions of the Act. Apart from hotels and restaurants, roadside eateries, grocers and departmental stores selling food products, and meat stalls would have to register or obtain licence depending on the turnover. The State government has established Tamil Nadu Safety and Drug Administration Department to enforce the Act. A district-level designated officer and twenty two food safety officers have been appointed for Tiruchi district. Five food safety officers have been appointed within the Tiruchi Corporation limits and one each for the three municipalities and fourteen blocks of the district. When contacted, A.Ramakrishnan, designated officer for the district, Tamilnadu Food Safety and Drug Administration (Food Wing), said about 5,000 units were registered and another 489 were issued licence. The functions of the department included taking steps to ensure that food supplied to people was safe, issuing licence to micro and small traders and other commercial establishments engaged in food business, preventing sale of food products hazardous to public health, creating awareness of food safety, and conducting surveillance. With just about twenty days left for the registration, traders' organisations had been calling upon the government to defer the enforcement of the Act and sought further time to register or obtain license. On Wednesday, Tiruchi District Bakery Owners Association held a meeting to discuss the issue and urged the government to defer the enforcement of the Act. "There is still not much awareness of the Act among bakers and we need more time to register or obtain licence," said B.Sundararajan, president (in-charge) of the association. Mr.Sundararajan also felt that it would not be practical to conform to several

[68] *The Hindu*, Marriage Halls and Caterers Come under Food Safety Act, dated 8 January 2013.

provisions of the Act. However, district officials said that a series of meetings have been conducted at the district and block levels to sensitise traders to the provisions of the Act. The fears of traders, the officials said, were exaggerated. In fact, the Act would prove to be advantageous to traders. The do's and don'ts are clearly laid down in the Act unlike the previous acts. Traders are not treated as accused under the Act and the District Revenue Officer will be the adjudicating officer and pass orders on the reports sent in by the designated officer. [69] It is also reported that even temple prasadam is covered under the Act.

At the same time, it is also reported that there are protests from several quarters against the implementation of the Food Safety and Standards Act. Members of the Tamil Nadu Traders Federation would stage a demonstration in the city on 2 February against the Food Safety and Standards Act.[70] A decision to this effect was taken at an urgent consultative meeting of office bearers of the federation held here according to Ve.Govindarajalu, state general secretary of the federation. The Act, the federation contended, had several shortcomings, and clauses which could not be complied with in practice. Urging the Centre to reconsider the Act, which was notified last year, the federation charged that the provisions of the law depicted small traders and vendors as criminals. It would also threaten the livelihood of small traders, it said. In a resolution adopted at the meeting, the federation said the Act would only help encourage corruption. The Act was part of the Centre's attempts to allow foreign direct investment in retail trade through the backdoor, another resolution alleged, and affirmed that the traders would never accept the Act. With provisions for jail terms, the Act poses a threat to small food product manufacturers and traders, it said, and demanded its withdrawal. In another resolution, the federation said shopkeepers around the Central and Chattram bus stand have been disallowed by the police to keep their shops open beyond midnight over the past few days. This not only affected the traders but also the people travelling in long distance buses as they were not able to get food and other essential commodities. The federation appealed to the city police to allow shops in the two bus stands, especially eateries, tea stalls, and bakeries to function round the clock.

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[69] *The Hindu*, A Large Number of Food Business Units Yet to Register under Food Safety Act, dated 17 January 2013.
[70] *The Hindu*, Traders Protest Against Food Safety Act Tomorrow, dated 1 February 2012.

It is to be pointed out that in Tirunelveli, no such awareness has been created among the food caterers. Eateries functioning in the district should obtain a proper licence from the authorities concerned as per the provisions of the Food Safety and Standards Act, a release from the Collector said. The release issued here said that the Act came into effect throughout the country from 5 August 2011 after the Government repealed the Prevention of Food and Adulteration Act 1954 and seven other Acts that were in force.[71] Under the new Act , licensing and registration of food businesses is mandatory. The District Designated Officer has been given powers to check food product standards, packaging, labelling and adulteration in restaurants, eateries, small hotels, bakeries, tea stalls and all small and cottage industries.[72]

Mushrooming of unlicensed shops and roadside eateries near New Bus Stand, Old Bus Stand, and Market Street, and selling chicken, meat and fast food items in towns and others parts of the district have become a cause for concern as people throng these eateries and consume unhygienic food. Though they offer taste, use of non-permitted colours, reuse of cooking oil, poor quality of drinking water, unclean plates and food items kept in the open and exposed to dust pose serious health hazard to the consumers.[73] Such conditions remain unchecked. It was also said that dead chicken from poultry units were used by a few shops and offered at low price in many eateries. A few eateries mushroom in the evening and run till late night near drains where mosquitoes breed and spread diseases. These eateries procure contaminated tap water and serve this to their customers. Though doctors warn people to keep away from these tempting food items that cause serious problems, people continue to consume these foods. Roadside eateries, bakeries, milk vendors, provision stores, hotels, bakeries, roadside shops, canteens functioning inside the educational institutions should obtain the licence from the authorities. If violated, action would be initiated as per the Act. If they functioned without licence a fine of up to Rupees five lakh would be imposed and for violation of the Act a fine of up to Rupees two lakh and imprisonment up to six months would be imposed. It has a huge penalty clause. Traders

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71 Government of India, Ministry of Finance, Department of Revenue, Central board of Excise and Customs, *Circular No.3 / 2011-Customs*, dated 6 January 2011.

72 *The Hindu*, Health Officials Inspect Eateries for Adulterated Food, dated 30 September 2011.

73 Ibid.

will run away from business if they are penalised. They have requested the government to suspend the implementation of the Act till amendments are made and standards are finalised.

Agriculture occupies a very important role in the growth of economy of our country, which is also the backbone of the economic system. India is primarily an agricultural country. The prosperity of the Indian economy is dependent on the course of agricultural production. Of course, agriculture contributes a major share of the national income of India. In India, agriculture meets almost the entire food requirements of the people. Agriculture also provides fodder to sustain livestock whose number runs to several crores. In the field of agriculture, marketing determines the value of the agricultural product in terms of money and delivers them to the final customer. Most of the farmers sell their produce through village level markets, fairs, Mandies, Co-operative Societies etc. In the above process of agricultural marketing, the middlemen exploit farmers as well as consumers. In order to eliminate the middlemen between farmers and consumers, the Government of Tamilnadu introduced the new concept, namely "UZHAVAR SANTHAI" in 1999. [74]

The concept of farmers' markets in India had its roots originating to Kal Khoj in Russia and street side shops in the U.K. Kal Khoj is a farmers' market in Russia, which was started by the farmers to sell spinach and vegetables. Moreover, during a visit to UK, M.S.Gill , the former Union Agricultural Secretary, noticed that some of the farmers were selling vegetables and fruits at a roadside on a collective basis and the place was busy with a number of consumers. He found that the farmers directly sold their produce to the consumers without the help of any intermediaries. After observing these, the idea of setting the farmers markets exclusively for selling fruits and vegetables grown by the local farmers was conceived in the early 1990's by Union Agricultural Ministry. The first farmers' market namely *Apni Mandi* or *Kisan Mandi* was started in Chandigarh, Punjab in 1987 and later on at Karnal, Haryana in 1988. Noticing their success , the Union Ministry of Agriculture suggested the idea of starting farmers market in other states. Andhra Pradesh took immediate steps to start Rythu Bazaar. Basic infrastructure facilities like market yard, lighting etc. are provided at the Farm level, extension services of the

[74] *The Hindu,* No Role for Middlemen in Product Selling, dated 20 May 2007.

relevant departments are also pooled in, securing the benefit of on-going Government scheme to "*Apni Mandi*" farmers.[75]

Generally, the middlemen and wholesale businessmen purchase the Agricultural products from the farmers at a lower price. They also get the commission from the farmers for the transactions made. In turn, fresh vegetables and fruits purchased at the lower price from the farmers are sold out to retail businessmen at higher price and the retail businessmen sell those Agricultural Products further at higher price to the consumers. As a result, the farmers get only the lower price for their produce whereas the consumers have to pay higher price for the same produce. Hence, the Government of Tamilnadu has introduced an alternate scheme of marketing, which is known as "UZHAVAR SANTHAI" in order to derive more benefits to the farmers as well as consumers.[76]

The prices of vegetables and fruits were daily displayed in front of each shop as well as exhibited in big signboards of the market and it was ensured by the Department staff that the fruits and vegetables were sold at the fixed rates. Horticultural Department officials identify vegetable growing farmers in the villages and photo identification cards are issued to those farmers. Shops were allotted at free of cost to the farmers who bring their produce on first come first served basis and shops are not permanently allotted to farmers. Aavin, Tan tea stalls were also set up in some places. The farmers were permitted to bring their produce without any fair for their luggage in special trips from the villages to Uzhavar Santhais. Hill vegetables are sold in Uzhavar Santhais through women self help groups, Cooperative Societies. Weighing scales were provided at free of cost for the use of farmers and they are retrieved after the sale proceedings were over. Sanitation was maintained. In some places vermicomposting of vegetable wastes was also done. Ex-Servicemen /Private security agencies were used for the security of the market. Telephone facilities, Vehicle stand, Canteen, Toilet facilities were also provided. The Uzhavar

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[75] *The Times of India,* Surprise Check at Apni Mandi, dated 21 July 2011.

[76] *The Hindu*, Odisha Eyes Uzhavar Sandhai Model, dated 26 January 2013.

Santhais were functioning on all the days of the week. Water supply was available in the Uzhavar Santhai. To sell unsold items on the next day, storage facilities were available.

The location of the "Uzhavar Santhai" was of utmost importance from the point of view of consumers. The Uzhavar Santhais were located in a consumer area, where the consumers can approach to the market easily. In fact, the main intention was to ensure the urban character of the location, so that adequate number of consumers benefitted from the market. The first Uzhavar Sandhai of the state was inaugurated on 14 November 1999 at Madurai and hundredth Uzhavar Sandhai on 14 November 2000 at Pallavaram. 103 Uzhavar Santhais were established between 14 November 1999 and 30 April 2001. Twenty eight Uzhavar Santhais, which were closed between 2001 and 2005, were reopened during June 2006 and an amount of Rs.42.00 lakhs was spent for the renovation of 103 Uzhavar Santhais. At Present 103 Uzhavar Santhais are functioning with full vigor. The new concept of Uzhavar Santhai is implemented in Tamilnadu in massive scale. All Uzhavar Santhai are maintained by Agricultural Marketing Department and manned by the staff of the Department of Agricultural Marketing, Agriculture, and Horticulture. The District Collector is the coordinator for running the Uzhavar Santhai successfully in the Districts whereas in State as a whole, the scheme is implemented by the Director of Agricultural Marketing and Agribusiness, Chennai-32. In Tirunelveli district Ulavar Santhais were formed in 2000 at four places namely, Maharaja Nagar, Tenkasi, Kandiyaperi and Sankaran koil. And in 2008 one more uzhavar sandhai was formed at Melapalayam and another one in 2009 at Ambasamudram.[77]

The Uzhavar Sandais were maintained by the Market Committees of the Department of Agricultural Marketing and Agribusiness. The concerned Market Committee Secretary was the coordinator for the Uzhavar Sandai as additional charge to his duties. For the Uzhavar Sandai that is not established at the committee head quarters the Assistant Director of Agriculture/ Assistant Director of Horticulture in the jurisdiction holded the additional charge of Coordinator of Uzhavar Sandai. The Coordinators of Uzhavar Sandai must look after the daily functioning of Uzhavar Sandai, price fixation etc. In addition to the Agricultural officers and Assistant Agricultural Officers in the post harvest technology centers of the Department of Agricultural Marketing and Agribusiness, Agricultural officers and Assistant Agricultural Officers of the

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[77] *Journal of Global Communication*, Uzhavar Santhai in Tamilnadu, 2008, Vol. 4, Issue 1, pp.115-124.

Department of Agriculture and Horticulture in the districts were also utilized. Of these six, Uzhavar Sandahai at Maharaja Nagar and Melapalayam were well contributed by farmers and well utilized by consumers in Tirunelveli.

Based on the recommendations made by the team, identity cards were to be issued to the farmers, in which photo of the land owner and his nominee with the particulars of the village name to which the farmer belongs, survey number, extent of the land owned by him, and the vegetables grown were mentioned. The identity cards were to be renewed every six months with reference to the vegetables grown in their fields. Transport facility for pick up and dropping down of the registered farmers to the Farmers market were arranged by the market functionaries through tie-up with state transport department. Stalls were allotted to the farmers by following lot method or first come first basis. The farmers were not allowed to occupy the stalls permanently. No fee was collected from the farmers. The market committee communicated every day the moderate wholesale prices of vegetables through fax between 7.30 AM and 8.00 AM . Based on the same, the prices of vegetable were fixed in consultation with the farmers committee, which may be twenty to twenty five percent higher than the whole sale price and lower than the local retail market prices in the area. Prices of vegetables were frequently announced through public address system to create awareness of the rates of the vegetables among the consumers as well as farmers.

When the farmers enter into a Farmers market their names along with the particulars such as name of the village and the quantity of vegetables brought by them are entered in a register and they are issued a token. On the basis of the token issued to them, all the farmers are provided with weighing scales without collecting any fee. The farmers will return back the scales after completing their sales. Additional facilities like Computers for effective communication, new hybrid seeds, seedlings, organic farming methodology, vermicomposting demonstration and post harvest management training to farmers will also be offered to those farmers visiting Uzhavar Sandhai. Twenty five Uzhavar Sandhais have been supplied with computers.

Uzhavar santhai is popular among farmers and it is functioning efficiently. But still buyers complain about prices of vegetables sold inside the market. The farmers need cold

storage system to leave the unsold vegetables to be kept inside. Sanction of funds for electricity charges and uninterrupted power supply were the needs from the point of view of farmers. Buyers complained that prices of vegetables varied depending on farmers. No uniform rate was collected. Another complaint is that private vendors encroached the front entrance of the shandy and it was difficult for buyers to enter easily. But according to the Government order, no private vendor should set up a vegetable shop near the farmer's shandy. Further, wholesale buyers visited the market much earlier than the general public and purchased products by paying money on the spot. Because of this, the regular buyers did not get some vegetables. But they are available with the handcart vegetable vendors in front of the market. The buyers also complained that no police guard had been provided for the shandy. They also complained that the prices were not fixed reasonably. The following points emerged in a discussion with a few consumers.[78] Most of purchasers at Uzhavar Sandhai are females. Majority of consumers are above forty years of age. Majority of the respondents purchased vegetables in the morning timings. Most of the respondents considered quality of vegetables as major influencing factor in purchasing at Uzhavar Sandhai. Majority of the consumers perceived the quality of vegetables at Uzhavar Sandhai as good. Majority of the consumers perceived the Price of vegetables at Uzhavar Sandhai as average. Most of the consumers felt the availabity of vegetables at Uzhavar Sandhai as good. Majority of consumers of Uzhavar Sandhai at Maharajanagar at Palayamkottai felt that it is located at a central place with easy access. Majority of consumers felt the behavior of sellers at Uzhavar Sandhai as impolite. [79]

The next problem relates to MRP. Sometimes consumers are often made to pay more in the name of local taxes. The Consumer Goods (Mandatory printing of cost of production and maximum retail price) Bill, 2006, did not see the light of day. According to the Standards of Weights and Measures (Packaged Commodities) Rules, manufacturers must state that MRP includes all Central and state government taxes on all packaged products.[80] In today's scenario it

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[78] Personal Interview with Krishnamoorthy.A., Agricultural Officer, Uzhavar Sandhai, Maharaja Nagar, dated 6 June 2011.
[79] Report of the Meeting with a Group of Ten Consumers, Uzhavar Sandhai, Maharaja Nagar, dated 6 June 2011.

80 *The Times of India*, Maximum Retail Price Crackdown Nets Rs 10 Lakhs, dated 8 May 2012.

is usually found that the prices of consumer goods traded in the markets are settled arbitrarily by the manufacturers. Even you can realize that in a market where within one city, different products have different rates of taxes, it becomes very difficult for consumers to check whether retailers are actually charging the correct amount of local taxes on the products they sell. Therefore the confusion in respect of price of the goods is natural for the consumer and the manufacturers gain huge profit as the actual manufacturing cost is very low. The manufacturers arbitrarily fix the price and the consumers are compelled to purchase goods at higher costs. Under the Weights and Measures (Packaged Commodities) Rules, all packed goods should carry certain essential information on the contents of the package, such as its weight or volume, the name and address of the manufacturer, the date of manufacture, and in case of food packages, the best before date and, of course, the maximum retail price (MRP).[81] Under the Consumer Goods (Mandatory Printing of Cost of Production and Maximum Retail Price) Act, 2006, certain guidelines has been provided so that the consumer can not charge over to the maximum price printed on the goods by the manufacturer. These guidelines are as follows:[82] Consumer goods mean all goods and items brought in the market for sale and are meant for the use and consumption of the consumers. Cost of production means cost incurred directly or indirectly by the manufacturer in the production of goods. Printing means printing of the cost of production and retail price at a visible place on the product in Hindi and English and the local language of the place it is sold. And maximum retail price means such price at which the product shall be sold in retail and such price shall include all taxes levied on the product.

The legislation has made it mandatory for the manufacturers to printing of cost of production and maximum retail price on packaging of consumer goods, so that the consumer could not get overcharged by the agents/dealer. It is essential for the consumers to know the difference between the maximum retail price and actual price of the goods. The maximum retail price is inclusive of all taxes and a retailer can sell at a price below the MRP. In fact consumers should always look for retailers who sell below the MRP because the MRP is the maximum retail price allowed for that commodity and not the actual price and a retailer can well reduce his

[81] *The Times of India*, Manipulation of Price has Now been Stopped in Packaged Commodities, 10 November 2012.

[82] Government of India, *Consumer Goods (Mandatory Printing of Cost of Production and Maximum Retail Price) Act, 2006,* New Delhi, 2007, p.16.

margin built into the MRP. While on the other hand, the actual price could be about ten to fifteen per cent lower than the MRP. Sometimes the printed MRP is so high that the difference between the selling price and the MRP can be as much as thirty to fifty per cent. It is an offence to sell at a price higher than the marked price. Whereas the actual price could be about ten to fifteen per cent lower than the MRP. Some times it has been found that the consumers go to market and take products from the shops without even looking the MRP written on the packaging and carton of the products. In that situation dealer told the price of the products to the buyer and also states that he would give on discount rate. After buying the same when buyer comes back to home than only he/she finds that the price of the goods mentioned on the packaging and carton is already less than the price on which he/she has bought after discount. Under the Standards of Weights and Measures (Packaged Commodities) Rules, manufacturers have to specify on all pre-packed goods meant for retail sale, the MRP inclusive of all taxes. This is a requirement meant to ensure that consumers are not misled by the agents/dealer and shopkeepers about the price of packed goods. Overcharging is an offence for which the trader can be prosecuted and prosecution can be launched against the manufacturer in case the packaged commodities bears the price which is altered.[83] In the above-mentioned case, the dealer takes advantage of the fact that the consumer could not see the packaging and quoted a higher MRP. Sometimes it also happens that the manufacturer increases the price of a product and sells old stocks/products on new price rates and if buyers ask the reason they simply answer that the Price has increased because of the changes in duties or increase in the cost of production and the new packages carry the revised MRP. Obviously, this new price does not apply to the stock already with the retailer. And this is where retailers try to make a quick buck by trying to sell the old stock at the new revised rate, even though doing so is an unfair trade practice.

On the similar issue a complainant filed a complaint case before the apex consumer court. The issue involved in the complaint was that the complainant went to purchase a product namely tarpaulin (Waterproofed Canvas), the price mentioned on the ‘duckback baby sheet’ purchased by him was Rupees ninety two, but the seller asked him to pay for Rs 112 along with the statement that the price of the sheet was actually Rs 124 but it had an old label indicating the MRP as Rupees ninety two. So after discussion, the price was settled between them (the seller

[83] *Ibid.*, p.17.

and the buyer) at Rs 112. In the above said matter the State Commission held that if the old label on the product indicated Rupees ninety two as the MRP, then charging more than what has mentioned on the packaging was illegal and the activity of the seller constitutes an unfair trade practice. And as a punishment for indulging in such a practice, the commission used the relatively new provision in the Consumer Protection Act to impose exemplary damage and asked the seller to pay the consumer punitive damages of Rs 10,000. The apex consumer court, before which the seller filed an appeal, said it fully agreed with the view of the state commission. While doing so, it pointed out that if the price had been increased from Rupees ninety two to one hundred and twenty four due to increased cost of production and transportation, which would apply only to the new stock. The price of the old stock cannot change. In the circumstances, the old stock cannot be sold at the new price. Therefore, the state commission was right in imposing exemplary compensation.[84] M/S Cargo Tarpaulin Industries Vs Sri Mallikarjun B.Kori, revision petition number 2132 of 2007, decided on 5 July 2007. It is an offence to sell at a price higher than the marked price. It is for this reason that manufacturers provide a more than adequate cushion for dealer margins while marking the MRP. Whereas it is specifically mentioned Under the Consumer Goods (Mandatory Printing of Cost of Production and Maximum Retail Price) Act, 2006 that No person shall sell or cause to be sold any consumer goods without the cost of production and maximum retail price of the product printed on such product after the expiry of six months from the date of coming into force of this Act.

Battling fraud relating to maximum retail price (MRP) is not easy as there is no well-oiled consumer rights machinery in place. Some organizations have in-house mechanisms such as a complaint cell or consumer care attendants to take care of complaints. [85] There are also other avenues such as the labour department and consumer courts to redress consumer grievances. Since there is no specific procedure against retailers who sell products such as Aavin milk at prices higher than MRP, customers have few options to pursue a complaint and see offenders booked. All they can do is approach the state-run federation's complaint cell.

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[84] National Consumer Disputes Redressal Commission, New Delhi, Order on Revision Petition No 2132 of 2007, dated 5 July 2007.

Consumer rights activist C. Vijayan[86] brought to light the issue of theatre owners inflating rates of water and soft drinks in violation of MRP norms. When he confronted the deputy commissioner of labour, the initial response was that they did not have any authority to proceed against theatre owners. Later, labour officials realized that it was their duty to crack down on such violations. Since then, several theatres have been pulled up and issued notices for MRP violations. Theatres had a convenient escape route. Most of them have switched to vending machines. What you get in paper cups cannot be called a packaged commodity, and hence no MRP norms can be applied. The department is also short of staff and unable to bring all violators to book. The next option for a vigilant consumer is the consumer forum, says Vijayan. The only problem with this route is that the onus of proving the violation is on the complainant. After lodging a complaint, consumers have to run around piecing together your case and collecting evidence to prove the illegality. While the labour department assumes the role of an investigator and probes violations, in consumer courts the complainant does everything to prove the violation. A private member's Bill introduced in the Lok Sabha in 2006 suggested printing of the cost of production of a commodity along with the MRP.

In this connection it is to be pointed out that the officials of the Consumer Protection Department recently conducted raids on private hospitals, run by doctors, in Tirunelveli district on complaints that they were selling medicines without proper licence, above the maximum retail price and issuing bills without mentioning the manufacturing date, batch number, expiry date and the MRP.[87] According to an official, a case had been registered against a doctor in whose hospital drugs were sold to patients after removing the package/cover of drugs carrying MRP, manufacturers' name, date of expiry etc. Action had been initiated against three doctors on similar complaints. According to an official press release, patients can pursue legal action against doctors and hospitals under section 12 of the Consumer Protection Act, 1986 by filing complaints with the District Consumer Disputes Redressal Forum. Further under section 14 (1) (hb) of the said act, appropriate action will be taken by the department against defaulters by claiming compensation for financial loss to patients who have been charged more than the MRP. If any public or voluntary consumer organization comes to know of sale of medicines at prices

[86] Personal Interview with C. Vijayan, Joint Secretary, Tirunelveli District Consumer Rights Protection Society, dated 3 February 2011.

[87] *The Hindu*, Raids in Hospitals in Tirunelveli, dated 4 June 2010.

higher than the MRP, they may contact the local drugs inspector or file a complaint with the District Collector.

Autorickshaw drivers everywhere demanded exorbitant fare and even shouted at passengers if they disagreed with the fare proposed by consumers and Tirunelveli District is not an exception to this. The Tamil Nadu Consumer Protection Organisation had appealed to the State Government to make it mandatory for auto rickshaw drivers to go by meter rates. At a meeting on Saturday, the organisation resolved to demand that auto-rickshaws install correct meters and fares be charged on the basis of meter reading. The appeal was put forth at a meeting with the Special Commissioner of Civil Supplies and Consumer Protection to be held on 19 June 2006.[88]

The Consumer Protection Council of Tamilnadu had come out with a new concept in Tiruchi. The introduction of seven auto rickshaws, all fitted with electronic fare meters, by the city based Consumer Protection Council-Tamil Nadu last week has brought much joy to Tiruchiites. The programme has proved a big hit with these auto rickshaws always on demand round-the-clock. Despite the overwhelming public support, the project is facing the initial hiccups, thanks to the stiff opposition from a majority of the auto drivers. Of the seven auto rickshaws pressed into service last week, only three are on the road now, as the drivers of the other four vehicles have left their jobs.[89] The project brought relief to the commuters who were fed up with dealing with unscrupulous auto rickshaw drivers. The meter charge has been reasonable, compared to the exorbitant fare that the other auto rickshaw drivers charge. The auto rickshaws were charging Rs. 350 for covering the distance from Chinnakadai Veedhi to airport. But the meter fitted autos collect only Rs. 120. The fare in the meter fitted autos is only Rupees twenty from Chinnakadai Veedhi to Thillainagar, compared to Rupees seventy collected by the other autos and Rupees fifty five for reaching Senthaneerpuram from Pattabiraman Road, says a private concern employee. The project has evoked overwhelming response with the master phone centre receiving innumerable calls even in the late evening hours. The running of the

[88] *The Hindu*, Auto Fares Must be Based on Meter Readings, dated 11 June 2006.

[89] *The Hindu*, Meter Auto Running Out of Drivers, dated 24 March 2013.

meter fitted autos has evoked stiff opposition from other auto drivers. "The meter fitted autos are attacked and sign boards "metered autos" damaged. The drivers are threatened and intimidated. This is the main reason for the quitting of four auto rickshaw drivers within a short period of introduction of this project lamented S. Pushpavanam, secretary of the Consumer Protection Council-Tamil Nadu, who was the moving force behind this programme. Pushpavanam said that they were undeterred and were on the look out for new honest, efficient, committed auto drivers with driving licence satisfying all the conditions of the transport department. Once they got adequate drivers, the project will be strengthened. A cross section of the people say that meter fitted autos are the need of the hour.

In the first phase, the pre-paid auto system should be introduced from important points. This system is working in Chennai Central. In Karnataka, pre-paid system is available in bus stands too. In Mysore, pre-paid system is functioning in the bus stand also. If pre-paid system was introduced, the passengers would not be at the mercy of the greedy auto rickshaw drivers. The auto rickshaw drivers always justify the collection of high fare and rejection of meter fitted autos on the theory "small city requiring bigger fare". The Consumer Protection Council-Tamil Nadu had taken up the issue of the presence of a large number of unauthorized auto rickshaw and taxi stands in the city limits. New auto rickshaw stands came up without getting permission from the authorities and this caused nuisance to the public. The council has complained to the District Collector in this regard, said Pushpavanam.[90] Only twenty five auto rickshaw and taxi stands were permitted ones in the city and the Council had sought the list of the permitted stands from the authorities. After obtaining the list, it had planned to seek steps to remove the stands functioning without permission.

Transport Department officials conducted periodical checks on erring auto drivers. For instance the Regional Transport Officer (North), conducted checks on erring auto drivers in the Madurai city on. Following complaints, the District Collector, U. Sagayam, had directed the officials to look into it and register cases against auto drivers who were found violating the Motor Vehicles Act.[91] The RTO (North), N. Ravichandran, said that nineteen auto rickshaw

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[90] Personal Interview with S. Pushpavanam , Secretary, The Consumer Protection Council- Tamilnadu, dated 23 November 2011.
[91] *The Hindu*, Transport Officials Raid on Autorickshaws, dated 12 May 2011.

drivers were charged for various violations, which included overloading, driving without licence, non-possession of pollution certificate and operating without fare meter. Apart from detention of eighteen auto rickshaws for a week, spot fine of Rs.6,600 was also collected from the erring drivers, he added. In the recent weeks, consumers complained that utilising holiday rush and festival season many auto rickshaw drivers demanded not only exorbitant fares but also indulged in rash driving in the city. Traffic police personnel said that overloading autos was fined and in some cases they impounded the vehicles during a check conducted recently.

Transport Department officials Ganesh Subramanian, Karuppiah and Selvi, who were part of the operation, warned the erring auto drivers against violating road rules. The drivers were instructed to wear uniform and display their badge with names prominently. Many auto drivers, who were found talking over their hand phones, were also punished for the offence as it attracted a fine of Rs.1,100, they added. Public were asked to complain about any Motor Vehicle violation by the auto drivers with the RTO authorities and Mr. Ravichandran assured stern action as per law.

Chennai-based advocate P. Immanuel Prakasam said though one lakh auto rickshaws were plying in the State, most of them did not have a meter. Even if there was a meter, the driver would not collect fare on the basis of the reading. He alleged that auto rickshaw drivers were collecting a minimum of Rupees fifty for one kilometre because the government so far had not fixed any slab pertaining to the minimum fare for the first two kilometre and every additional kilometre thereafter. Sometimes they collected exorbitant amounts. This led to unwanted quarrels with passengers, causing mental harassment, hardship and agony. The government should not remain a silent spectator. Traffic police personnel were not registering cases against drivers, though they were aware that the drivers had not fixed meters and were not collecting fare based on the meter reading. This was illegal and could not be sustained in the eye of law. Prakasam said the public at large would be benefited if the State government, through enforcement authorities, ensured that drivers fixed fare meters and collected fares only on the basis of meter reading. He recalled his representation to the Secretary and Commissioner of the Transport department in this regard. But his grievances in the representation have evoked no response.

The public interest litigation petition filed by Chennai-based advocate P. Immanuel Prakasam wanted the Tamilnadu government to direct auto rickshaw drivers, through subordinate officials, to fix fare meters approved and sealed by the competent authority. Mr. Immanuel Prakasam said that the government should direct auto rickshaw drivers to collect the fare on the basis of meter reading. This public interest litigation petition seeking a direction to fix a minimum auto rickshaw fare slab came up for hearing. The First Bench of the Madras High Court on Monday directed the State government to spell out steps it had planned to take for regulating auto rickshaw fares. Chief Justice M. Yusuf Eqbal and Justice T.S. Sivagnanam asked the Government Pleader to get instructions and reply in three weeks.[92]

In this context, the Government constituted a Group of Experts (GoE) to consider various issues relating to the determination of tariffs for auto-rickshaws in the NCT of Delhi. The Group had its first meeting on 17 December 2002 and, in accordance with Transport Commissioner's letter No.PS/CT/T/A2002/618 dated 16 December 2002, the following Terms of Reference (TOR) were finalized.[93] The first one was to determine the principles on which tariffs/fares have to be fixed. The second one was to arrive at a formula for determining tariffs based on the principles identified above. The third one was to index-link the formula namely link another tariffs to an index or indices so that fare revision can be carried out in a simple and transparent manner and the fourth one was to take into account conditions prevailing in other metropolitan cities namely tariffs, input costs, and other relevant conditions.

One of the main terms of reference for this Group was to determine principles of tariff fixation, arrive at a formula, and suggest possible indexation. The normative cost approach that had been adopted met these requirements. It was grounded on principles, yields tariffs based on a formula, and was readily amenable to indexation. While discussing tariff fixation, the Group also considered issues relating to night charges, waiting charges and luggage charges. Currently, night charges were set at a twenty percent premium over the fare. Night charges in Mumbai and Chennai were reported to be twenty five percent The Group did not see any reason why night

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[92] *The Hindu,* Exorbitant Auto Fares: Tamilnadu Told to Spell out Steps, dated 28 September 2010.

[93] Letter of the Transport Commissioner of Delhi, No.PS/CT/T/A2002/618, dated 16 December 2002.

charges could not be hiked to the level in other metros. Waiting charges were currently nil. Taking into account the opportunity cost of time for an auto operator, it was felt that waiting charges of Rupees fifteen to twenty per hour or part thereof subject to a minimum of a fifteen minute stay were justifiable. Third, the luggage charge rates currently in force were weight-based, difficult to enforce, and not easily understood. It would be simpler to introduce a per piece charge. The intention was that passengers with bulky luggage should pay on a per piece basis. One possible way was to stipulate that except for shopping bags, or a small attaché case, etc., all other luggage would attract a charge of Rupees five per piece. Some other matters related in general to auto transport services in the city arose during the course of the deliberations. The views and suggestions on some of the main miscellaneous items such as Grievance Management, Auto stands and auto meter were as below:-

A helpline has been started to assist consumers in dealing with recalcitrant auto drivers and to enable the authorities to monitor behaviour of auto operators. A system needs to be put in place that enables auto operators/drivers to communicate legitimate difficulties they may encounter either in regard to passengers, or more importantly, in relation to regulatory requirements of official agencies. Such a Grievance Cell could be monitored by a Committee including both official and non-official representatives, and would attempt to both mediate and help enforce compliance to the rule of law by all concerned parties.

The auto meter is a critical technological input to a successful fare structure. Tariff determination on clear criteria and principles would be set at naught if fares have to be negotiated for each journey. This is why meters matter. Insisting on appropriate safeguards for the quality of a meter is absolutely essential. What is really needed is a simple device that measures distance, because once distance based tariffs are announced the passenger can easily compute the fare due provided the meter accurately reports distance traveled. There have been some complaints about the malfunctioning of electronic meters. While installation of meters is essential and must be insisted on, it would also be necessary to devote some attention to reported problems in the functioning of meters and to upgrade stands and quality of meters. In addition, a legible display of other information, the fare-structure, ought to be mandatory. The Group noted that an initiative has been taken to develop fare charts which indicate point-to-point distances.

This was a laudable effort; Government wished to consider that, apart from meters, such fare charts should routinely be displayed in autos. Even if the distances were only indicative, at least it would prevent instances of gross over-charging.[94]

Thus the consumers and consumer organizations in Tirunelveli district have utilized the inbuilt redressal mechanisms for their protection with regard to public utility services only to some extent. Yet there is a need for a more effective, participative, interactive and expeditious complaint interface between the service providers and consumers and consumer organizations.

[94] Ibid.

CHAPTER IV

CONSUMER PROTECTION THROUGH STANDARDIZATION

Tirunelveli District had been an agricultural area throughout its history. The district is a major producer of rice, coconuts, bananas, spices and forest-based products. The district's livestock and poultry populations are amazing. The district is a home to almost fifty percent of the buffalo population of Tamil Nadu. Since it is a coastal district, Tirunelveli is also involved in fishery development and production. For the period 2005–2006 the total inland fish catch was 1,874 tonnes, and the total marine fish catch was 7,014 tonnes. The district is also rich in minerals, with a total of 407 mines and quarries. Limestone, granite and garnet sand are some of the minerals mined or produced in the district. Major industries include textile, food and foresty products. A Special Economic Zone was introduced at Nanguneri in 2001. A pharma park and windmill spare-parts and television-manufacturing factories have been planned in this Special Economic Zone. The Tamilnadu Industrial development Corporation (TIDCO) has planned a Rs 700-crore high-tech industrial park in Nanguneri in association with INFAC Group and Axes Technologies Inc of the US. The state government is planning light manufacturing, design and assembly facilities, modern infrastructure facilities and amenities in this SEZ to attract a workforce from around the world.

Right to Safety is one of the basic rights of consumers. Standardization plays an important role as a safety measure.[1] It makes selling and buying functions easy and more effective. Mostly, buying and selling of products is done on the basis of grade or mark. If quantity, size, quality of goods is already known, only price remains to be negotiated. The goods which are not standardized, should be bought and sold by inspection. It limits the scope of market. If the goods are standardized and graded, the customers even living far from the seller or distributor can buy goods only by seeing sample, standard name. If the goods are not standardized, there remains possibility for the customers to be cheated on the one hand and seller cannot earn goodwill on the other. The role, importance and advantages of standardization in marketing is analyzed from the viewpoint of seller, customer and society.

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[1] *Journal of Dairying , Foods & H.S.* Awareness of Standard Marks, Consumer Rights and Acts, 27 (3/4), 2008, pp. 221-225.

The importance and advantages of standardization of consumers' point of view are as follows. Customers can buy standardized goods easily.[2] The customers need to inspect all the goods which are not standardized or graded. The customers can buy standardized goods without looking, inspecting or by looking sample or from description. Using method, instruction and composition of standardized goods are given; this makes the consumers feel easy to use. Necessary repair facility also is provided for some goods. Customers do not have to suffer cheating from seller with standardized goods. They can remain protected from adulteration and exploitation from seller. As quality of the goods is already known, standardization minimizes quality related risk. Since quality, measure, size of the product is known, the customers can buy goods with fair price after studying the market price. Customers can get short description and information about standardized goods through advertisements, other buyers and different sources. The customers become able to take proper buying decisions as they can get information about prices, relative advantages, durability etc. of standardized goods.

The importance and advantages of standardization from seller's point of view are as follows. [3]The goods which are standardized become very easy for sellers to sell. No inspection is needed to sell such goods; they can be sold out only by looking sample or description. The sellers do not have to bother about showing sample or giving description if they are graded. Determining standard of products and grading them is the foundation of an organized, open and wider market. This develops and expands market of any products. As the products are not needed to be inspected, the customers even of far-off places send purchase order on the basis of standard, grade, size, measurement etc. As the standardized goods have ready-market and fluctuation of price may be exceptional, banks easily accept such goods as security to provide loans. As standardized goods have certain quality, quantity and price, goodwill of the sellers of such goods increases. They can earn more profit from selling high quality goods.

Society also got different benefits from standardized goods.[4] The importance and advantages of standardization from the point of view of society are as follows: The society can

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[2] Doole, I., & Lowe, R., *International Marketing Strategy*, London. 1997, p.45.
[3] *Ibid*., p.47.
[4] *Ibid*., p.54.

get standard quality goods at lower price from mass production of the same standard and same grade goods. As the producers and trade associations publish information and messages about standardized goods in business bulletins, newspapers etc. conscious society know everything about the quality, standard, measurement, using method of the goods etc. There does not remain any risk for the society to be cheated by the sellers in buying standardized goods. Every buyer knows the quality, standard and price of the goods. The society remains protected from any adulteration in the standardization goods. When demand for standardized goods increases, the firm should to intensify the process of production and distribution. For doing so more manpower is needed. The unemployed of the society can get employment in the firm. Hence the society can increase income and make their living standard better from employment.

Standardization of product is an important measure taken by the government to protect the consumer from lack of quality and varying standards of goods. In India these standards are achieved through Bureau of Indian Standards which is earlier known as the Indian Standard Institution. It has the responsibility of laying down the standards for industrial and consumer goods on a scientific basis and certifying the goods that meet the prescribed quality and standards. Very important measures have been taken by the government to protect the consumers from lack of quality and varying standards of goods by creating standards institutions:

For this purpose, the government has established Bureau of Indian Standards (BIS) for standardization of Industrial and Consumer goods.[5] BIS certifies the goods that meet the standards and prescribed quality of ISI. The government undertakes regular and surprise inspections. Testing of samples is done for conformity of licensee's performance. A consumer can also complain to the BIS office if the certified product is not up to the mark. Creation of AGMARK for standardization of agricultural products has been done. This AGMARK is implemented under the Agricultural Produce Act 1937. Creation of Hall mark is a very important step in standardization with regard to the sale of gold ornaments in Tamilnadu and particularly in Tirunelveli District. Recently another phenomenon known as Ecomark is being implemented with a view of maintaining a healthy ecosystem to live in.

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[5] *The New Indian Express*, BIS Probes Five Cases of Violations of Indian Standards, dated 18 April 2012.

The Bureau of Indian Standards (BIS) is the national Standards Body of India working under the aegis of Ministry of Consumer Affairs, Food & Public Distribution, Government of India. It was established by the Bureau of Indian Standards Act, 1986 which came into effect on 23 December 1986.[6] The Minister in charge of the Ministry or Department having administrative control of the BIS is ex-officio President of the BIS. The organization was formerly known as the Indian Standards Institution (ISI), set up under the Resolution of the then Department of Industries and Supplies No. 1 Std.(4)/45, dated 3 September 1946. The ISI was registered under the Societies Registration Act, 1860. As a corporate body, it has twenty five members drawn from Central or State Governments, industry, scientific and research institutions, and consumer organizations. Its headquarters are in New Delhi, with regional offices in Kolkata, Chennai, Mumbai, Chandigarh and Delhi, and twenty branch offices. It also works as WTO-TBT enquiry point for India. BIS is a founder member of International Organization for Standardization (ISO). It represents India in ISO, the International Electro--technical Commission, the International Telecommunication Union and the World Standards Service Network.

One of the major functions of the Bureau is the formulation, recognition and promotion of the Indian Standards. As on 31 March 2008, 18446 Standards formulated by BIS, are in force. These cover important segments of economy, which help the industry in upgrading the quality of their products and services. BIS has identified fourteen sectors which are important to Indian Industry. For formulation of Indian Standard, it has separate Division Council to oversee and supervise the work. The Standards are regularly reviewed and formulated in line with the technological development to maintain harmony with the International Standards.

To support the activities of product certification, BIS has a chain of eight laboratories. These laboratories have established testing facilities for products of chemical, food, electrical and mechanical disciplines. Approximately, 25000 samples are being tested in the BIS laboratories every year.[7] In certain cases where it is economically not feasible to develop test facilities in BIS laboratories and also for other reasons like overloading of samples, equipment being out of order, the services of outside approved laboratories are also being availed. Except

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[6] Government of India, The Bureau of Indian Standards Act, 1986, New Delhi, 1986, p.5.
[7] Government of India, Bureau of Indian Standards, *Operating Manual for Product Certification 2004,* New Delhi , 2004, p.5.

for the two labs, all the other labs are accredited. It operates a laboratory recognition scheme also. Product Certifications are to be obtained voluntarily. For, some of the products like Milk powder, Drinking Water, LPG Cylinders, Thermometers etc., certification is mandatory because these products are concerned with health and safety.

All foreign manufacturers of products who intend to export to India are required to obtain a BIS product certification license. Towards this, BIS launched its Product Certification Scheme [8]for overseas manufacturers in the year 1999. Under the provisions of this scheme, foreign manufacturers can seek certification from BIS for marking their products with BIS Standard Mark. If or otherwise, the foreign manufacturer has not signed an MOU with BIS, it has to set up a liaison office in India with the permission of Reserve Bank of India. Otherwise, an authorized representative or agent needs to be appointed by the foreign firm. Indian importers who intend to get Certification Mark may apply for the license.

The Management System Certifications adopted are Quality Management System Certification Scheme IS/ISO 9001, Environmental Management System Certification Scheme IS/ISO 14001, Occupational Health and Safety Management System Certification Scheme IS 18001, Hazard Analysis and Critical Control Scheme IS/ISO 22000 and Service Quality Management System Certification Scheme IS 15700. [9]

National Institute of Training for Standardization (NITS) is a training institute of BIS which is set up in 1995.[10] It is functioning from Noida, Uttar Pradesh, India. The primary activities of NITS are In-House and Open Training Programme for Industry, International Training Programme for Developing Countries and Training Programme to its employees. The relevance of this organization in the context of the study is that this has a Grievance Cell. If any customer reports about the degraded quality of any certified product at Grievance Cell, BIS HQs, BIS gives redressal to the customer. The investigator discussed with a college counselor about the functioning of this organization. He is aware of the scheme of ISI but he is not aware of the grievance forum that exists and the possibility of getting remedy in case of products not having the promised quality.

[8] Ibid.
[9] Ibid.
[10] Annual Report 2006-2007, Bureau of Indian Standards, New Delhi, 2007, p.65.

Koolakadai Bazaar in Tirunelveli Town is famous for Jewellers as quite a number of them are located in that area. Of late, new jewellers have started mushrooming in other parts of Tirunelveli with big and air conditioned show rooms. It is important to note that recently leading jewellers of Chennai and other parts of Tamilnadu have recognized Tirunelveli as a potential place for their sales. It was pointed out during a seminar by a consumer [11] of gold ornaments, that the criteria used for calculating additional charges for damage the process of making and the charges for making are mysterious and not understandable as the jewelers do not follow any clear cut guidelines. Consumers are at the benevolence of the owners of jewelers. Gold and other ornaments do not come under a commodity that is purchased every day rather once a year or just before functions such as marriage, naming of the child, etc. Every purchase is a new experience for a customer and so he or she is kept at dark. Moreover the price of these materials varies every day and sometimes even every hour. There is also lot of fluctuation in price – price goes up for a few days and suddenly starts dropping down. In this context, it is important to look into the history of the process of hallmark of gold and other precious ornaments.

A hallmark is an official mark or series of marks struck on items made of precious metals such as platinum, gold, silver and palladium. Hallmarking is Europe's earliest form of consumer protection. In a more general sense, the term hallmark can also be used to refer to any distinguishing characteristic or trait. Historically, hallmarks were applied by a trusted party: the 'guardians of the craft ' or nowadays by an assay office. Hallmarks are a guarantee of certain purity or fineness of the metal as determined by formal metal (assay) testing. Hallmarks are often confused with "trademarks" or "maker's mark". Hallmarks are not the mark of a manufacturer to distinguish his products from other manufacturers' products, which is the function of trademarks or makers' marks. To be a true hallmark, it must be the guarantee of an independent body or authority that the contents are as marked. Thus, a stamp of '925' by itself is not, strictly speaking, a hallmark, but is rather an unattested fineness mark.

Notwithstanding the hallmarking systems themselves, many nations require, as a prerequisite to official hallmarking, that the maker or sponsor itself mark upon the item a

[11] Report of the Seminar on Gold- Concerns of Consumers – conducted by Civil Supplies and Consumer Protection Department, Government of Tamil Nadu, dated 5 July 2008.

responsibility mark and a claim of fineness.[12] Responsibility marks are also required in the United States. Nevertheless, in nations with an official hallmarking scheme, the hallmark is only applied after the item has been assayed to determine that its purity conforms not only to the standards set down by the law but also with the maker's claims as to metallurgical content. In some nations, such as the UK, the hallmark is made up of several elements including: a mark denoting the type of metal, the maker/sponsor's mark and the year of the marking. In England, the year of marking commences on May 19, the Feast Day of Saint Dunstan, patron saint of gold- and silversmiths.[13] In other nations, such as Poland, the hallmark is a single mark indicating metal and fineness, augmented by a responsibility mark known as a sponsor's mark in the United Kingdom. Among a group of nations which are signatories to an international convention known as the Vienna Convention on the Control of the Fineness and the Hallmarking of Precious Metal Objects, additional, optional, yet official marks may also be struck by the assay office. These have the effect of easing import obligations among and between the member states. Signatory countries have a single representative hallmark which would be struck next to the Convention mark which represents the metal and fineness.

The control or inspection of precious metals was an ancient concept of examination and marking, by means of inspection stamps or punch marks. The use of hallmarks, at first, on silver has a long history dating back to the fourth century AD and represents the oldest known form of consumer protection. A series or system of five marks has been found on Byzantine silver dating from this period though their interpretation is still not completely resolved. However, from the Late Middle Ages, hallmarking was administered by local governments through authorized assayers. These assayers examined precious metal goods, under the auspices of the state, before the good could be offered for public sale. By the age of the Craft Guilds, the authorized examiner's mark was the "master's mark" which consisted frequently of his initials and/or the coat of arms of the goldsmith or silversmith. At one time, there was no distinction among silversmiths and goldsmiths who were all referred to as orfèvres, the French word for goldsmith. The Master Craftsman was responsible for the quality of the work that left his workshop, regardless of who made the item. Hence the responsibility mark is still known today in French as *le poinçon de maître* literally "the maker's punch." In this period, fineness was more or less

[12] Christopher. L., *History of Hallmarking in India*, New Delhi, 2009, p.125.
[13] Ibid.

standardized in the major European nations at twenty karats for gold and twelve to thirteen lots for silver, but the standards could only be partly enforced owing to the lack of precise analytical tools and techniques.

Modern hallmarking in Europe appears first in France, with the Goldsmiths statute of 1260 promulgated under Etienne Boileau, Provost of Paris for King Louis IX.[14] A standard for silver was thus established. In 1275, King Philip III prescribed, by royal decree, the mark for use on silver works, along with specific punches for each community's smiths. In 1313, his successor, Philippe IV expanded the use of hallmarks to gold works. In 1300 King Edward I of England enacted a statute requiring that all silver articles must meet the sterling silver standard (92.5 percent pure silver) and must be assayed in this regard by guardians of the craft who would then mark the item with a leopard's head. In 1327 King Edward III of England granted a charter to the Company of Goldsmiths , marking the beginning of the Company's formal existence. This entity was headquartered in London at Goldsmiths' Hall from whence the English term "hallmark" is derived. In the UK the use of the term "hallmark" was first recorded in this sense in 1721 and in the more general sense as a mark of quality in 1864. In 1424, the French Archbishop Jean de Brogny, after having consulted with a council of eight Master Goldsmiths from Geneva, enacted a regulation on the purity and hallmarking of silver objects following the French standards for application in Geneva.[15] Although gold was certainly used for articles, the regulation was silent on gold standards and its hallmarking.

Although hallmarking in the Swiss territories dates back to Geneva in the 15th century there was no uniform system of hallmarking in Switzerland until 1881. Before that time, hallmarking was undertaken at the local level by the Swiss cantons. With the introduction of the Swiss system of hallmarking in 1881, there was uniformity throughout the nation. Today in Switzerland, only precious metal watch cases must be hallmarked.[16] Perhaps this attests to the significance of watches to the Swiss economy. The hallmarking of other items including silverware and jewelry is optional. In 1355, individual maker marks were introduced in France, which concept was later mirrored in England in 1363, adding accountability to the two systems. In 1427, the date letter

[14] *Ibid*.,p. 67.
[15] *Ibid*.,p.70.
[16] *NAWCC Bulletin*, Swiss Hallmarks on Gold Watchcases, Vol. 47, No. 6, December, 2005, pp. 686-699.

system was established in France, allowing the accurate dating of any hallmarked piece. In 1478, the Assay Office was established in Goldsmith's Hall. At this time, the date letter system was introduced in England. In 1697, a higher standard of silver, known as the Britannia standard (95.8 percent silver) was made compulsory in Great Britain to protect the new coinage which was being melted down by silversmiths for the silver. The Sterling standard was restored in 1720.

In the modern world, in an attempt at standardizing the legislation on the inspection of precious metals and to facilitate international trade, in 1973 a core group of European nations signed the Vienna Convention on the Control of the Fineness and the Hallmarking of Precious Metal Objects.[17] Those articles, which are assayed and found to be in conformity by the qualifying office of a signatory country, receive a mark, known as the Coomon Control Mark (CCM), attesting to the material's fineness. The multi-tiered motif of the CCM is the balance scales, superimposed, for gold, on two intersecting circles; for platinum, a diamond shape and for silver a mark in the shape of the Latin letter "M".

The Hallmarking Act 1973 made Britain a member of the Vienna Convention as well as introducing marking for platinum, a recognized metal under the Convention. All four remaining assay offices finally adopted the same date letter sequences. The latest changes in 1999 were made to the UK hallmarking system to bring the system closer into line with the European Union. Under this latest enactment, the date letter is no longer a compulsory part of the hallmark. As it now stands, the compulsory part of the UK hallmark consists of the sponsor or maker's mark, the assay office mark, and the standard of fineness (in this case silver, 925 parts in 1000). The Hallmarking Act was amended in July 2009 to include palladium from January 2010. Punching, markings using laser, methods of assay, touchstone method , x- ray fluorescence are some of the marking techniques that are found in practice .

In other parts of the country awareness about the necessity of hallmarking is organized through trainings and programmes. The following is one such a programme held in Chandigarh.[18] Marking the five-day hallmark awareness week which began today in the northern

[17] Ibid.
[18] *The New Indian Express*, BIS Hallmarking Awareness Week Begins, dated 6 December 2011.

region, the Bureau of Indian Standards (BIS) representatives of today addressed the concerns of about 150 Tricity-based jewellers over hallmarking certification. Putting forth jewellers' recommendations, General Secretary of Chandigarh Jewellers Association, Raj Kumar, said that although BIS has now come up with two gold hallmarking centres in the city, they were still dependent on Delhi centres for assaying silver ornaments. Kumar further averred that the cost of certification, as specified by BIS, ranges between Rs 20,000 and Rs 25,000 across different states, which is too high for a period of three years. Besides, there are no security provisions at the centres. In case an article gets misplaced, the jeweller needs to bear the brunt. Kumar also said that the under a new set of standards, IS1 51829, which will be introduced by BIS shortly, the equipments at all the eleven testing centres across the country will be upgraded to enhance accuracy. Also, faculty crunch at the centres will be addressed to ensure safety of the gold and silver articles. It was observed while speaking to a few consumers that they give importance to the credibility and hospitality of the sellers more than the hallmarking. With the coming in of purely business oriented groups who base themselves on impressive advertisements, attractive new models and spacious show room facilities the consumers were found to be changing their purchase options of jewellery.

Keeping the festival season in mind, Bureau of Indian Standards (BIS), Western Regional Office, Mumbai had organized an Awareness Week on hallmarking of gold jewellery from 26 to 30 September 2011 through an umbrella of activities like organization of jeweller awareness programme, two day artisan training programme, nukkad nataks and other publicity initiatives through print and electronic media. The awareness week on hallmarking was mainly focused to spread awareness about the benefits of BIS hallmark among all stakeholders and to alert consumers against victimization of irregular gold quality. Harshawardhan Patil, Minister, Co-operation Parliamentary affairs, Government of Maharashtra conveyed his best wishes for the success of hallmarking awareness week organized by Bureau of Indian Standards.[19] Devendra Mohan, Deputy Director General, Western Regional office while welcoming the eminent speakers, guests and the participants expressed hope that the programme will enable dissemination of valuable information on hallmarking of jewellery to all sections of the society namely consumers, jewelers, assaying and hallmarking centers and the people at large.

[19] *The Hindu,* An Awareness Week on Hallmarking, dated 20 September, 2011.

Alka Panda, IAS Additional Director General BIS who inaugurated the awareness programme, in her key note address gave a brief history of the hallmarking scheme. Earlier in his address, Vasant Mehta, Chairman, Indian Institute of Gems and Jewellery, Mumbai and Former Chairman Gems and Jewellery Export Promotion Council in his speech emphasized that BIS should take up every measure to ensure that the scheme is made mandatory. Ashok Minawala, member and former chairman, All India Gems and Jewellery Trade Federation said that all concerned stakeholders like government, BIS and jewellery industry should work in collaboration with each other to ensure best practices in the industry. He added that, the consumers are very informed today and hence jewelers have to be responsible and concerned about quality and caratage. The seminar was attended by about 250 delegates from consumers, industry, government and media groups.

The Bureau of Indian standards (BIS), which ensures standardization, marking and quality certification of gold and silver metals, organized an awareness week on hallmarking between 14 and 18 November of 2011.[20] The awareness week, a maiden initiative by BIS, was conducted in the eastern parts of the country. The objective was to raise awareness among the jewellers about the benefits of being a BIS Hallmark licensee. The BIS had been sensitizing consumers to buy BIS Hallmarked jewelry to prevent their victimization. This was important in the context of consumer awareness and protection more than sensitization of the artisans.

Hallmarking of Gold Jewellery was launched in April 2000 on a voluntary basis. The scheme is operated through BIS network of Regional and Branch Offices all over the country. The scheme aimed at providing third party assurance to consumers on the purity of gold or its fineness. Under the scheme jeweler had to obtain Hallmark licence from BIS to get his jewellery hallmarked from a BIS recognized Assaying & Hallmarking Centre. The scheme thus does not grant self marking rights to jewelers. The Hallmarking Centres are recognized by BIS after ensuring that the Centre has required infrastructure for Assaying and Hallmarking of gold jewellery in addition to security and safety of the same.

[20] *The Times of India,* BIS Launches Programme to Create Awareness about Hallmarking, dated 11November 2011.

During the year 2006 a market survey was conducted by BIS on non-hallmarked jewellery in sixteen selected cities to ascertain the purity of gold sold to the customers.[21] The main objective of the market survey was to test the purity of non-hallmarked gold sold in the market in order to gauge awareness among the consumers about purity of gold sold in the country. Based on analysis of the data of the Survey Report it was found that out of 162 samples taken, sixteen samples passed the test and 146 samples failed. Thus only 9.88 percent samples were found to be of claimed purity and 90.12 percent samples were not found to be of claimed purity. In the light of the outcome of the survey, an urgent need was expressed for setting up of a number of Gold Hallmarking/Assaying Centres in the country to create country-wide infrastructure to test the purity of the gold and protect consumers from sale of inferior quality of gold. Till June 2008, 5740 Jewellers have been certified by BIS for hallmarked gold jewellery and 426 jewellers for hallmarked silver jewellery/artifacts. 106 Assaying and Hallmarking Centres have been recognized by BIS for certifying gold jewellery articles and approximately 419 lakh gold jewellery items have been hallmarked.

In order to create infrastructure across the country, a Plan Scheme was sanctioned to provide Central assistance at fifteen percent of the cost of equipment and machinery subject to a ceiling of Rupees fifteen lakhs per centre.[22] However, the financial incentive for North East and special category states had been increased to thirty percent of the cost of machinery and equipment subject to a ceiling of Rupees thirty lakhs. The first instalment of fifty percent assistance was released after obtaining BIS recognition and the balance after one year of successful operation of the Centre. The Scheme which was initiated as a pilot project for setting up of thirty five centres under the Tenth Five Year Plan has now been extended to Eleventh Five Year Plan. Since Gold Hall marking is a recently introduced scheme, with a view that consumers must benefit , a series of programmes need to organized in Tirunelveli District.

There are complaints about the quality of gold sold by jewellery shops. The following is a case of consumer complaint No 65/ 2008 of Suresh from NGO Colony in Tirunelveli city

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[21] *Evaluation Report of the Tenth Plan Scheme of Hallmarking of Gold Jewellery*, Department of Consumer Affairs, New Delhi,2009.

[22] Government of India, Department of Consumer affairs, *Gold Hallmarking*, New Delhi, 2009, p.10.

against M/s Joy Alukkas Traders India Private Limited at Tirunelveli Town.[23] The complainant purchased jewels on 3 August 2007 in the above jewellery shop . He purchased four items of jewels by invoice No SAL 9989 dated 3 July 2007 for a total price of 34,494/- and paid the cash in full. The complainant wore the bracelet. When it was closely scrutinized, after few days in the presence of relatives it came to light that the second and fourth links of the chain within the hook links of the bracelet, there were steeling strings which were less in sight. After verification it was confirmed and it weighed 15.250 grams and the opposite party had collected Rs.14,641/= for the said item alone. In order to increase the weight of the above item, opposite party by its expertise introduced steel strings within the golden links in the bracelets. The weight shown was not of gold and includes the weight of steel strings also. The complainant was put to shame in the midst of the public who were invited for the function. The complainant issued a legal notice to the opposite party on 12 November 2007 and after receiving the same, the opposite party promised to redress the grievance if any. In compliance with the request, the complainant went to the opposite party but the opposite part was irresponsive. Hence he has filed this complainant to direct the opposite part to provide a new bracelet of twenty two carrot gold make and to pay Rs.25,000/= as compensation for the pain caused to him, and to pay Rs.5,00,000/= as damages for the mental agony and sufferings caused along with the cost of the proceedings. It was concluded in the judgement that the opposite party had sold defective bracelets to the complainant and hence the complainant is entitled for the relief as prayed for. In the result the complainant is allowed and the opposite party is directed to pay Rs.75, 000/= as compensation for selling a defective goods and to pay Rs. 5000/= towards cost of the proceedings.

With the view to raise the awareness level of consumers in Tirunelveli and Tamilnadu at large, the investigator came out a series of articles on the difficulties and problems faced by consumers through the Tamil magazine Aval Vikatan and the Tamil news paper Dinamani. Aval Vikatan compiled the articles and published it by name Nugarvor Rajangam meaning the kingdom of consumers.[24] It was recommended that Hall Marking should be made mandatory for all Gold ornaments and also it was suggested that BIS must make periodical checkups on all gold shops. It was also found that the rate for wastage and making charges differ from shop to

[23] District Consumer Disputes Redressal Forum, Tirunelveli, Order on Consumer Complaint No 65/2008, dated 16 May 2011.
[24] Prabakar. D.A., *Nugarvor Rajangam*, Chennai, 2009, p.45.

shop. BIS has no man power to check and control malpractices in these regards. And therefore it was suggested that Government has to come up with suitable legislation to control Gold price.

Good quality food has been man's main endeavor from the earliest days of human existence. Nutritional status, health, physical and mental faculties depend on the food we eat and how we eat it. Safety of food is a basic requirement of food quality. Food safety implies absence or acceptable and safe levels of contaminants, adulterants, naturally occurring toxins or any other substance that may make food injurious to health on an acute or chronic basis. Food quality is considered as a complex characteristic which determines the value or acceptability by consumers. In India, food marketing systems are not well organized and developed as compared to other developed nations. This is due to many factors such as growing population, lack of resources to deal with pre-and post-harvest losses in food, etc. Many countries have a food control system, to protect their population against unsafe, adulterated, or otherwise poor quality food. In India we have Food Act, AGMARK, etc to ensure quality food products. But still there are many lacunae and also there exists lack of awareness about food safety and the like among consumers. Grading of food products in terms of physical, chemical and biological properties is one of the most important activities to assure food safety for the consumers. AGMARK Grading and Standardization is a Central Sector scheme started with the objective for promotion of grading and standardization of agricultural and allied commodities under Agricultural Produce (Grading & Marking) Act, 1937. Quality standards for agricultural commodities are framed based on their intrinsic quality. Food safety factors are being incorporated in the standards to compete in world trade. Standards are being harmonized with international standards keeping in view the WTO requirements. Certification of agricultural commodities is carried out for the benefit of producer/ manufacturer and consumer. Certification of adulteration prone commodities namely butter, ghee, vegetable oils, ground-spices, honey, wheat, atta etc. is very popular. Blended edible vegetable oils and fat spread are compulsorily required to be certified under AGMARK.

AGMARK is a certification mark employed on agricultural products in India, assuring that they conform to a set of standards approved by the Directorate of Marketing and Inspection, an agency of the Government of India. The AGMARK is legally enforced in India by the

Agricultural Produce (Grading and Marking) Act of 1937 (and amended in 1986).[25] The present AGMARK standards cover quality guidelines for 205 different commodities spanning a variety of Pulses, Cereals, Essential Oils, Vegetable oils, Fruits & Vegetables, and semi-processed products like Vermicelli.

The term Agmark was coined by joining the words 'Ag' to mean agriculture and 'mark' for a certification mark. This term was introduced originally in the bill presented in the parliament of India for the Agricultural Produce (Grading and Marking) Act.[26] The entire system of Agmark, including the name, was created by Archibald Macdonald Livingstone, Agricultural and Marketing Advisor to the Government of India, from 1934 to 1941. He was supported by a staff of several hundred. The system was designed to benefit local growers throughout India who were, in the absence of a certification as to quality, exposed to receiving less for their produce from dealers than its true worth. Apart from this, there exist the following Agmark standards and regulations. Agricultural Produce Grading and Marking Act, 1937, Schedule Appended to AP (G&M) Act 1937, General Grading and Marking Rules, 1988, Commodity Grading and Marking Rules, List of commodities for which AGMARK Grade Standards have been formulated and notified under the Agricultural Produce (G&M) Act 1937, Organic Certification, Manual on Standards of Paddy, Manual on Standards of Wheat, AGMARK Standards and Regulations, Manual on Standards of Maize, Manual on standards of Mustard and Rapeseed. Agricultural Product (Grading and Marking) Act, 1937 was also amended in 1986**.**

The AGMARK certification is employed through fully state-owned AGMARK laboratories located across the nation which act as testing and certifying centres. In addition to the Central AGMARK Laboratory (CAL) in Nagpur, there are Regional AGMARK Laboratories in eleven nodal cities such as Mumbai, New Delhi, Chennai, Kolkotta, Kanpur, Kochi, Guntur, Amiritsar, Jaipur, Rajkot, Bhopal.[27] Each of the regional laboratories is equipped

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[25] Government of India, Agricultural Product (Grading and Marking) Act, 1937(Act No 1 of 1937) as amended up to 1986, New Delhi, 1986.

[26] Government of India, Department of Agriculture and Cooperation, Agricultural Produce (Grading and Marking) Act, 1937 (Act No. 1 of 1937) (as amended up to 1986), New Delhi, p.3.

[27] Personal Interview with Murugesan, R.,Agricultural Officer, Palayamkottai, dated 10 January 2011.

with and specializes in the testing of products of regional significance. Hence the product range that could be tested varies across the centres. The testing done across these laboratories include chemical analysis, microbiological analysis, pesticide residue and aflatoxin analysis on whole species, ground spices, ghee, butter, vegetable oils, mustard oil, honey, food grains like wheat, wheat products like atta, suji, and maida, gram flour, soya bean seed, Bengal gram, ginger, oil cake, essential oil, oils and fats, animal casings, meat and food products.

The following opinions emerged in a discussion with the proprietor of a supermarket. [28]He said that eighty per cent of the consumers knew about AGMARK by name and seventy per cent were aware about the AGMARK products. But fifty five per cent of the consumers who had awareness on AGMARK products belonged to high-income group. He added that thirty four per cent of the sample consumers had purchased AGMARK produce either ghee or vegetable oil or spices powder and about sixty per cent purchased AGMARK products from departmental stores. He has found that sixty per cent of AGMARK products users belonged to high-income group ; Overall satisfaction of consumers was higher for ghee followed by vegetable oil. He reported that AGMARK satisfied the customers in terms of quality. In terms of the factors influencing the preference for AGMARK products, he attributed purity first followed by price and availability. Non - availability in most of the groceries and high price of AGMARK products were perceived as major reasons for not purchasing AGMARK products by the non- users of the same. According to him , fifty percent of consumers felt that the prices of AGMARK products were higher. He was sure that nearly ninety per cent of AGMARK consumers could be retained in the event of increasing price even up to per cent. He came out with the suggestion that consumer packs with AGMARK labels should be made available in all the departmental stores for which specific space should be allotted to increase the consumer information and awareness.

Ecomark or Eco mark is a certification mark issued by the Bureau of Indian standards, the national standards organization of India to products conforming to a set of standards aimed at the least impact on the ecosystem.[29] The marking scheme was started in 1991. One of the purposes of the mark is increasing awareness among the consumers towards reducing environment impact. The mark is issued to various product categories and the development of

[28] Personal Interview with Jayaprakash, Proprietor, Aryas Supermarket, Palayamkottai, dated 10 January 2011.
[29] Report of CUTS Centre for International Trade, Economics & Environment, *Why was India's Ecomark Scheme Unsuccessful*? Jaipur, 2006, p.2.

standards for more products is in progress. The Ministry of Environment & Forests, Govt. of India have instituted a scheme on labelling of Environment Friendly Products through Gazette Notification No. 71 dated 21st February 1991. The scheme is operating on a national basis and provides accreditation and labelling for household and other consumer products which meet certain environmental criteria along with quality requirements of the Indian Standards for that product. The Scheme is known as "ECOMARK". Any product which is made, used or disposed of in a way that significantly reduces the harm it would otherwise cause to the environment, are categorized as environment friendly product. The scheme is voluntary and invites participation from common citizens and concerned industrial sectors in the larger interest of environment.

The following are the specific objectives[30] of the ECOMARK scheme. It provided an incentive for manufacturers and importers to reduce environmental impact of products. It supported and rewarded genuine initiatives by companies to reduce adverse environmental impact of their products. It helped in assisting consumers to become environmentally responsible in their daily lives by providing information to take account of environmental factors in their purchase decisions. It ensured citizens to purchase products which have less harmful environmental impacts. Ultimately it improved the quality of the environment and encouraged the sustainable management of resources.

The Ministry of Environment & Forests had constituted two committees namely Steering Committee and Technical Committee to identify product categories, develop criteria and to coordinate related activities.[31] The Bureau of Indian standards helped in assessing and certifying products and drew up a contract with the manufacturer, allowing the use of the label, on payment of a fee. The terms of committees was set for three years or until reconstituted.

The functions of Steering Committee[32] were selection of the logo for ECOMARK , Activities related to creation of mass awareness for promotion and acceptance of the scheme, Determining the product category to be taken up under the scheme, Coordinating ways of ensuring that industry is actively involved in the scheme, Securing the involvement of other Ministries, Government Departments, Industry Associations and other Non-Government Organizations and

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[30] *Ibid.*,p.14.

[31] *International Journal of Pharma Medicine and Biological Sciences*, ECOMARK Scheme in India, Vol. 1, No. 2, October 2012.

[32] Ibid.

consumer organizations, Formulation of strategies for future development of the scheme, Identifying institutions in India or outside which are engaged in the standardization of any article or process or improvement of quality of any article or process and recommending assistance to build consumer awareness, Promoting programme of comparative testing of products by consumer organizations and disseminate their results to the general public, Supporting any research for the formulation of ECOMARK products in the interest of consumer groups.

The Composition of the Steering Committee was as follows.[33] The Secretary of the Department of Environment and Forests is the Chairman and the Secretary, Ministry of Industry, the Secretary Dapartment of Civil Supplies, the Secretary Ministry of Chemicals and Petro-Chemicals, the Secretary Ministry of Agriculture , the Secretary Ministry of Information and Broadcasting , the Director General of Technical Development, the Director General of CSIR, the Director General of Health services, The Development Commissioner of Small Scale Industries and the Chairman of Central Pollution Control Board as members and the Officer In-Charge of ECOMARK in the Ministry of Environment and Forests as the Member Secretary. Besides above, Central Government shall nominate not more than five non-officials to represent the interests of industry, consumer groups or other NGOs of which at least two will represent consumer groups.

The functions of the Technical Committee[34] were the Identification of specific products for classifying as environment friendly, reviewing the existing State of knowledge and the environmental criteria being followed in other countries, recommending the most appropriate criteria and parameters to designate various products as environment friendly, reviewing various technologies available for determining criteria, recommending various laboratories and analysis for products assessment to the MoEF, evaluation of Environmental Import of products, reviewing implementation of the scheme by BIS, setting up sub-committee for each product category, and setting up of expert panels to advise it for specific products. The functions of Bureau of Indian standards were assessment of the product for ECOMARK, certify the product for award of the Ecomark, review, suspend or cancel or license, for the use of Ecomark, inspect and monitor the industries.

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[33] Ibid.

[34] Report of CUTS Centre for International Trade, Economics & Environment, *Why was India's Ecomark Scheme Unsuccessful*? Jaipur, 2006,p.15.

The following procedure of Certification and Licensing was followed. For certification under ECOMARK scheme the manufacture shall apply testing of products which fall under the notified categories along with fee set by BIS. The testing and certification shall be carried out by BIS. The label shall be awarded for a minimum period of one year and shall roll forward annually. The following criteria have been fixed as parameters to be considered for determining product for ECOMARK.[35] Production process including source of raw material are viewed. Natural resources are given preference. The likely impact on the environment of the product is given due consideration. Energy conservation in the production of product is given weightage. Effect and extent of waste arising from the production process is taken into account. Disposal of the product and its containers are looked into. Utilization of the waste in the production process and the possibility of recycling are given importance. Suitability for packaging is another important factor deserving attention. Lastly biodegradability of the product is also considered.

The Pollution Control Board has identified 192 industries in the State which come under purview of this criteria and are being pursued to obtain ECOMARK certification in the large interest of the environment.[36] These identified industries are from textile, vegetable oil and soap & detergent sector. Some governments give incentive measures to protect the eco-system. For example as per notification issued by Govt. of Madhya Pradesh Department of Housing & Environment, Dated 28 August 1998 all such industries which have been awarded ECOMARK label for their products shall be given an exemption of 50 percent fee in the consent/renewal of consent under Water Act / Air Act. The Ministry of Environment & Forests has so for identified 16 products categories to be covered under the scheme of ECOMARK. The products are soaps and detergents, paints, paper, food items, food additives and preservatives, wood substances, textiles, batteries, lubricating oil, packaging, plastics, aerosols, cosmetics, pesticides, drugs, electronic goods, vegetable oils etc.

However, even after twenty one years in existence, the Indian Ecomark Scheme had not caught the fancy of the consumer or the industry.[37] Only twelve manufacturers of various products like paper, pulp, leather and wood particleboard had till now applied and got the Ecomark licence . Furthermore, the licencees hardly use the Ecomark symbol *'matka'* on their

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[35] *Ibid*.,p.17.
[36] *Ibid*.,p.18.
[37] *Ibid*.,p.55.

package as none of them found any benefit by the same. Thus the scheme that was formulated to recognise environment friendly products was yet to gather momentum.

Water is an essential component in our life and it is found in a very large quantity on the earth. Without water, there is no living plant and animal. The water consumed by human beings originated in various forms and from various sources. Lately, the popularity of bottled mineral water has increased due to the increasing contamination of water resources. Natural mineral water is that clearly comes from underground sources. It is distinguished from ordinary drinking water because it is characterized by its content of certain mineral salts and their relative proportion and the presence of trace elements of other constituents. Besides that, natural mineral water is also defined as groundwater that obtained directly for human consumption from drilled or natural sources from underground water. Nowadays lifestyles have moved most of the population towards the portable and convenient bottled mineral water. A lot of bottled mineral water brands are available in the market ranging from high end names like Aquafina, Bisleri, etc. Today's consumer has lots of choices thereby making it necessary for the manufacturer of bottled mineral water to come out with unique strategies to stay up to date in this highly competitive market. Drinking bottled mineral water has become an importance habit in people's everyday lives. Whatever be the reason, the trend towards consuming bottled water is predicted to increase in the coming years. Bottled water has been steadily growing over the past three decades due the dynamic sectors of the food and beverage industry. Water has endurances and sales appeal in any food service segment. It is also free of sugar, calories and alcohol, and outruns juice, coffee and soda as a beverage for all day parts.

Bottled mineral water consumption in the world is increasing by an average seven percent each year, inspite of the fact that bottled mineral water has a higher price. The convenience of bottled water that can be easily purchased at retail outlets and easy to get rid of is the major factor leading many to purchase bottled mineral water. These factors have led to the increasing global production of bottled water, from estimated 142 billion liters in 2002 to over 173 billion liters in 2006.[38] Danone, Nestle, Coca-Cola and PepsiCo are the world's top four bottled mineral water companies. Although Coca-Cola and PepsiCo are known as the big carbonated soft drinks manufacturers, they have also noted the potential in the bottled mineral

[38] *The Hindu*, Thirst for Bottled Water May Hurt the Environment, dated 19 April 2007.

water market and have been developing their brands and capabilities in this market. Although major consumers of bottled water are in Europe and North America, the most promising markets are in Asia Pacific with an annual growth rate of fifteen percent. The increase in consumption in global market with the high income people is mainly due to the increasing awareness of the health preserving properties of water, both in its basic, hydrating function as well as a source of precious minerals.

There is high interest on the quality of groundwater all over the world due to severe problems of water stress and deterioration of water quality. The quality of groundwater highly depends on the composition, the mineralogy, recharging water and reactivity of the geological formations in aquifers, the impact of human and industrial activities and the environmental parameters that can bring effects to the geochemical mobility of certain substances. Groundwater forms part of the natural water cycle and constitutes a major portion of the cycle. Groundwater comprises of water from springs or from wells and boreholes and is used to catch water from the aquifers by means of pumps. Deep wells or boreholes provide usually water of excellent bacteriological quality. Groundwater is therefore often used without any treatment, except physicochemical ones to reduce hardness or eliminate off flavors and odors. The water pumped from boreholes or shallow wells, however, is easily exposed to pollution and contamination. Depending on the type of aquifer, the type of soil and its protective effect against pollution, the physicochemical characteristics of the water, and the levels of the microbial flora is very low. Groundwater contamination gives major implications to human's health and the environment in urban areas. The groundwater in polluted urban areas is often contaminated by heavy metals and contains a wide variety of organic compounds, all of which have a major effect on the water supply and the environment. In this chemical world, the pollutants that occur in our environment can be classified into two categories such as natural and synthetic. The natural pollutants are derived from the decay of plant substances, flow of water through rocks that contain fossil fuel and transportation as air or water borne components derived from volcanic eruptions or forest fires. Similar compounds, as those released naturally, may also be derived as a synthetic by product from anthropogenic sources. Rapid industrial development in the last few years has added huge loads of pollutants to our groundwater aquifer.[39] It is also

[39] Ibid.

postulated that the progress of industries has led to increased emission of pollutants into ecosystems.

Mineral water represents a good source of nutrition which is necessary for the needs of human body. Mineral water always contains various minerals and trace elements and can be defined as water containing minerals which are natural compounds formed through geological processes or other dissolved substances that alter its taste or give it therapeutic properties which gives good healing to any disease. Human beings required minerals for nutrition, growth, sustaining body functions and well being. These minerals have various effects on the human's health. The demand for natural mineral waters is increasing due to the increasing of pollution in drinking water. The quality of drinking water is significant for health in both developing and developed countries worldwide. Mineral water is drawn from underground sources such as a bore holes or a springs. Mineral waters are different regarding to their composition and content in minerals. Natural mineral water that comes from the groundwater is the most valuable freshwater resource on the earth and it plays an important role in drinking water supply all over the world and is often preferred for drinking water supply and it deemed to be the best water for the consumption of human.

Natural mineral waters have long been used for medical purposes.[40] The term natural mineral water is defined as it originates in an underground water table or deposit, it differs from treated water in its original purity that is bacteriologically healthy and its content of minerals, trace minerals and other constituents, which must remain constant. Only natural mineral water has the characteristics that benefits human health. Natural mineral water can be sparkling or still. During bottling, the carbon dioxide that causes carbonation also can be natural or added. Bottling is done at the source and treatments to make partial changes to the composition of or purify natural mineral water bacteriologically are prohibited.

Mineral water run across highly mineralized rocks. The geological sources of natural mineral water are known as aquifers, which can be from different types, and they differ greatly in terms of their depth, horizontal extent, composition, and permeability. Water filtering underground flows slowly through deep permeable rocks and sediments and diffuses into the

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[40] *Business Line*, Natural Mineral Water vs Packaged Drinking Water, dated 2 June 2007.

empty interstitial space of the rocks. Water picks up minerals and other elements depending on the chemical make-up of the strata while passing through the underground strata. This is why they have higher concentrations of minerals and trace minerals than other kinds of water .Natural mineral water is characterized by its mineral content, trace elements or other constituents and, where appropriate, by certain effects, also by being in its original state, both conditions having been preserved intact because of the underground origin of the water which has been protected from all risk of pollution. The composition, temperature and other essential characteristics of natural mineral water must remain stable at source within the limits of natural fluctuation. In particular, they must not be affected by possible variations in the rate of flow. Mineral waters may be gaseous or non gaseous. Disinfections are not allowed in terms of treatment. The only treatment authorized is filtration or decanting and the addition or removal of carbon dioxide. Mineral waters are of underground origin, protected from contamination, and microbiologically wholesome, present a peculiar and constant chemical composition, and have favorable effects on health. To ensure it is safe, they must be bottled at source and checked containers.

Over the past twenty five years, bottled mineral water had climbed into a position of power in Tirunelveli district as well as in the world market.[41] The general interest in bottled mineral water began in the late 1970s and concerns about tap water safety developed. By the 1980s, with a vigorous promotion campaign by processors of bottled water, retail sales increased and the bottled mineral water market grew faster than any other major beverage category. By the late 1990s, the bottled mineral water market was growing three times faster than soft drinks. The world market of bottled mineral water had grown quickly and is considered as a global billion dollar business. Bottled water consumption had been steadily growing up the last three decades in Tirunelveli district as well as at the global level and it is one of the fastest growing and the most dynamic sector of all the food and beverage industry .

Moreover fresh water is insufficient, and resources are unevenly distributed throughout the Tirunelveli district. Places like Tisayanvilai the potable water is almost nil. On the one hand sea water intrusion is taking place. On the other hand good water is supplied through pipes from Manimuthar dam . In such places with scarce water resources, consumption of bottled mineral

[41] Ibid.

water is a growing practice. Growing population and the population shift from rural to urban areas had increased the consumption of bottled water. Bottled mineral water had become a healthier choice than tap water for many people because they believe that bottled mineral water contains fewer contaminants, or dislike the taste of chlorinated tap water. Therefore, the annual consumption of bottled drinking water in Tirunelveli had become substantial. For health concern, there is increasing attention on the quality of bottled drinking water . It is also stated that the dramatic increase in the consumption of bottled water had been attributed to the consumers' concern over increasing water pollution and their objection to offensive tastes and odours such as chlorine from municipal water supplies and bacterial contamination.

Nowadays, many people living in town areas were increasingly consuming bottled mineral water because it is seldom associated with naturalness, objection to unpleasant tastes and odors from municipal water supplies and because bottled mineral water is often regarded as safer as and healthier than tap water. Furthermore, the efficient marketing and advertising strategies followed by the bottled water producers enhanced this consumption. An evidence is the fact that especially high income consumers buy bottled water as a healthy alternative to other beverages, to improve their diet and health. Bottled water is called the packaged water that is commercially available for human consumption. Bottled mineral waters have always been regarded as a voluptuary good, something between a soft drink and a dietary or medical aid with a limited importance in human diet. It is also claimed that the increasing use of bottled mineral water makes it obvious to consider it an important element of the human diet, with special regard to children in lactation age.

Bottled mineral water can be defined as water that is intended for human consumption and is sealed in bottles or other containers with no added ingredients except that it may contain safe and suitable anti-microbiological agents. Most bottled mineral waters are groundwater, bottled with or without some treatment process such as filtration and sterilization . Bottled mineral water is widely consumed because it is inexpensive, readily available, tastes better, contains fewer impurities and confers a higher social status on the consumer than tap water. Apart from the use of bottled water as drinking water, it has found wide usage in infant formula preparation and reconstituting other foods, for cleaning contact lenses, for skin care and for filling humidifiers.

Labels on bottled mineral waters are regulated by legislative norms. Labels contain information about the producer and the production brand name, production lot, bottling date, bar code, the words respect the natural environment, nominal content, authorization, purchase proof, consumer service toll-free number. The label or the bottle must also show a regular hexagon or a circle with an abbreviation indicating the material of the container. This kind of information guides the consumers in the choice of the water which best meets their requirements. The label also reports some basic rules for a correct storage of bottled mineral water namely keep in a cool, dry, clean and odorless place, away from light and heath sources. After opening , the bottle must be closed carefully, in order to maintain the original characteristics.

The standards for bottled water are subject to mandatory certification under the Prevention of Food Adulteration Act, the law enforced by the Health Ministry in India.[42] BIS has published three standards on water for human consumption: one for drinking water; one for packaged natural mineral water; and one for packaged drinking water other than mineral water. The standard for packaged natural mineral water was drafted in 1992 by the Drinks and Carbonated Beverages Sectional Committee and amended in 1998 by a panel of government health and scientific representatives and a consumer organization by name Consumer Guidance Society of India.[43] Requirements for pesticide residues were revised as not detectable on the basis of comments received. Codex and WHO standards were also considered during this process. Several studies conducted by consumer organizations raised questions about compliance with these mandatory standards. A study by VOICE found that a large number of manufacturers of bottled water were not adhering to quality specifications.[44] Authorities were notified and quality checks were introduced. It was reported that in the survey conducted by the Centre for Science and Environment (CSE) on pesticide residues in bottled water sold in Delhi and Mumbai. Findings revealed that all brands tested except one contained elevated levels of residues, including some samples with up to 104 times the EU norms for acceptable levels. These findings led BIS to create a committee to address the adequacy of existing standards for packaged drinking and mineral water, the effectiveness of testing facilities, the alignment of standards with

[42] *Consumers International*, Standard Setting for Bottled Water in India, September 2005.
[43] Ibid.

[44] *Businessline*, Water Bottlers not Keen on ISI mark, dated 14 March 2001.

international norms, and the links between BIS standards and the Prevention of Food Adulteration Act.

The committee included input from VOICE and other consumer NGOs. Committee findings concluded that the scope and applicability of the standard not suitable for the detection and quantification of low-level pesticide residues in drinking water. Comparative analysis of BIS norms for pesticide residues was conducted. The list of pesticides detectable by Indian test methods is exhaustive and includes many pesticides. Analysis showed that the Indian standard for pesticide residue norms did not meet the international best standard. Pressure from consumer organizations was the main key in getting BIS to recognize the need to upgrade this standard and begin the revision process. [45]

In addition, analysis also determined that the existing Indian standard for packaged drinking water was not harmonized with EU norms which are considered the best in the world.[46] This sparked public discussion and the creation of a Joint Parliamentary Committee to look into broader issues of food safety. Committee recommendations included adoption of a pro-active approach toward keeping standards dynamic and at the same level as international standards, including creation of an alert system to flag emerging problems before they assume threatening dimensions. The principal recommendation to governments from this case study is to develop regulations to ensure that standard setting procedures are made more democratic, transparent, accountable and dynamic.[47] Other key recommendations are cited in Consumers International's forthcoming manual on standards representation.

It is a normal practice that all hotels are charging more than the MRP printed on the label for mineral water bottles. It is interesting to note the judgement of the Delhi High Court in this regard. The Delhi High Court has ruled that hotels and restaurants can charge more than the MRP on bottled mineral water and other packed products.[48] The Court held such extra price charged by hotels and restaurants is justified because they also provide ambience and services to their customers.

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[45]*The Financial Express,* ISI Mark for Eight Bottled Water Plants Withdrawn, dated 20 February 2003.
[46] Ibid.,
[47] *Businessline*, Water Bottlers not Keen on ISI mark, dated 14 March 2001.
[48] The Delhi High Court Judgement, Wp(C) Nos. 9528/03 and 13775-14072/2005, dated 5 March 2007.

In addition to bottled mineral water, people use lot of soft drinks these days and it is important that quality is maintained in the soft drinks. In Tirunelveli district , there exists the coco-cola soft drinks company in Gangaikondan, near Tirunelveli. Cases against such companies are filed because they fail to maintain quality. The following is such a case of defect in the soft drinks supplied. One Nagoor Meeran of Melaseval village, has bought a sprite 200 ml soft drink from a petty shop at Melaseval village on 24 April 2010.[49] When the he tried to open the crown of the bottle, he found a dead cockroach inside the bottle. Nagoor Meeran sent legal notice to Coco cola company who was the manufacturer of the said bottle and also to the dealer and retailer. They have not sent any reply. Hence he filed a consumer complaint in CC No 105/2010 claiming compensation of Rs. 1,00,000/=. After enquiry the court held that the company was liable to pay Rs.30000/= as compensation with Rs.3000/= as cost.

Right to healthy environment is yet another basic right of consumers. Western Ghats and the river Tamiraparani plays a vital role in preserving a healthy environment in Tirunelveli district.[50] In fact, the Tamiraparani is a symbol of Tirunelveli culture and civilization and an identity of the far south of India. In Tamil and Sanskrit literature of earlier times, the Pandyas were referred to as the rulers of the land where the Tamaraparani flowed. Tamiraparani is the chief river of the district which has a large network of tributaries which includes the Peyar, Ullar, Karaiyar, Servalar, Pampar, Manimuthar, Varahanathi, Ramanathi, Jambunathi, Gadananathi, Kallar, Karunaiyar, Pachaiyar, Chittar, Gundar, Aintharuviar, Hanumanathi, Karuppanathi and Aluthakanniar. The two rivers of the district which are not linked with Tamiraparani are the Nambiar and the Hanumanathi of Nanguneri taluk. The Tamiraparani is spelt differently as Tampraparani, Tamraparni, Tamiravaruni, etc. The river is mentioned as the Porunai nathi in Tamil poetic literature. It gets recognition and is referred to as the renowned one in Sanskrit literature references to which are as old as that of the Puranas and Epics. The meaning and origin of the name Tamiraparani is reasoned out differently.[51] Bishop R. Caldwell, in his book, A

[49] District Consumer Disputes Redressel Forum, Tirunelveli, Order on Consumer Complaint No 105/2010, dated 6 June 2011.
[50] Personal Interview with Fr.Antony Cruz, Tamirabharani Conservation Movement, Tirunelveli, dated 20 January 2011.
[51] Personal Interview with Fr.Antony Cruz, dated 20 January 2011.

History of Tinnevelly discussed the various interpretations of the word 'Tamiraparani' at length.[52] According to him the meaning of the name Tamiraparani in itself is sufficiently clear, but its application in this connection is far from being self-evident. Tamara means, red, parani means parana, a tree which has leaves. Tamiraparani might, therefore mean a tree with red leaves, but, this is a strange derivation for, the name of a river and the ideas naturally suggest itself that some events or legends capable of explaining the name lies beyond. He further discussed the similarity of the name Tamiraparani and of the old name of the present Sri Lanka which was called in olden days as Tambrabane and tried to find out the political, cultural and anthropological intercourse of the land of the river with that island. He concludes that it seems more natural that Tamiraparani, the tree with the red leaves should have been first the name of a tree, then of a town, then of a district and then of a river (it being not uncommon in India for villages to adopt their names from remarkable trees). Some scholars interpret the name Tamiraparani as Tamiram (Copper) + Varuni (stream or river). They ascribe this origin as the bed of the river is of red soil and when the water flows on the red soil it gives a copper like appearance. The Greeks of the Ptolemy's time refer to this river as Solen.

The river Tamirabarani and the city Tirunelveli are found to be used as synonyms by the local people. Tamirabarani is one of the symbols of Tamil culture and history; referred in Tamil literature as Porunai nathi. The main river originates on the eastern slopes of Western Ghats in Tirunelveli district which is situated between latitudes 8°30'N and 9°18'N and longitudes 77°07'30"E and 78°15'E.[53] The origin of Tamirabarani and its principal springs are situated at the peaks called "Aduppukkal Mottai", "Agasthiyamalai" (Periya Pothigai) and "Cherumunji Mottai", with an altitude of 1725 metres above MSL; it traverses a length of about 125 km passing through Tirunelveli and Thoothukudi districts before it confluences with the Gulf of Mannar region of the Bay of Bengal. The river is fed by both southwest and the northeast monsoon periods and is seen in full spate twice a year if both the monsoons do not fail. The main river drains with its springs and tributaries with the total catchment area of about 4500 sq.km with the total river basin area of 5942 sq.km. Most of its extensive catchment area lies in the

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[52] Caldwell, Robert., op.cit., p.35.
[53] Srinivasan. L.,*Rivers of western Ghats- Origin of Tamiraparani,* Centre for Ecological Sciences, Bangalore, 2012, p.136.

eastern slopes of Western Ghats; the river enjoys the full benefit of both the monsoons which makes the river perennial and prone to heavy floods, especially during the northeast monsoon periods. The average rainfall of the river basin area is 1082 mm (northeast 565 mm; southwest 233 and summer and winter 284 mm) with the annual average temperature of 25.5°C - 34.4°C (20.9°C min, 39°C max). Population density of the river basin is 362 persons per sq.km against the state average of 428 persons per sq.km.

Pollution of surface and ground water is a major problem in Tirunelveli district due to rapid urbanization and industrialization.[54] The large scale urban growth due to increase in population and migration of people from rural areas to urban centres had increased domestic effluents while industrial development manifested either due to setting up of new industries or expansion activities resulting in generation of copious volume of industrial effluents . Clean and adequate water supply is a necessity for the health of all living organisms and ecosystems, including people and their activities. Water quality monitoring was one of the highest priorities in environmental protection policy to control and minimize the incidence of pollutant-oriented problems, and to provide water of appropriate quality to serve various purposes such as drinking water supply, irrigation, recreational and industrial; and to protect the valuable freshwater resources to safeguard public health. Ascertaining the quality is crucial before use for various purposes. Traditional approaches to assess water quality are based on a comparison of experimentally determined parameter values with existing guidelines. However, it does not readily give an overall view of the spatial and temporal trends in the water quality in a watershed. The classification, modelling and interpretation of monitoring data are the most important steps in the water quality assessment; the quality is difficult to evaluate from a large number of samples each containing concentrations for many parameters. The index method was initially proposed by Horton in 1965. Since then, the formulation and use of indices has been strongly advocated by agencies responsible for water supply and control of water pollution. The concept of Water Quality Index (WQI) is based on the comparison of the water quality parameters with respective to regulatory standards and gives a single value to the water quality

[54] *The New Indian Express*, Thamarabarani Turns Sewage Canal, dated 16 July 2012.

of a source, which translates the list of constituents and their concentrations present in a sample.[55] It is a mechanism for presenting a cumulatively derived numerical expression defining a certain level of water quality. WQI is a numeric expression used to transform large quantities of water characterization data into a single number and it is a measure of how the water quality variables compare to the water quality guidelines or objectives for a specific site. The WQI has been considered as one criterion for surface water classifications, based on the use of standard parameters for water characterization. It is basically a mathematical means of calculating a single value from multiple test results. The index result represents the level of water quality in a given water basin. WQI assess the appropriateness of the quality of the water for a variety of uses such as habitat for aquatic life, irrigation, recreation, drinking water etc. It is considered more appropriate for disseminating information to general audiences.

Rapidly increasing urbanization and industrialization activities along the banks of the river Tamirabarani and adjoining areas hade adversely influenced the quality of the water resource. Tamirabarani is the main receptor of domestic and sewage discharges of both the districts added to these direct discharges from the bank side; industries which consist of untreated or semi-treated effluent and solid wastes also increase the pollution incidence throughout the basin area. Number of scholars have studied the pollution status of the perennial river Tamirabarani which includes[56]; water quality profile ; domestic and industrial pollution ; toxic impacts ; conservation and restoration of catchment areas ; pollution load ; sewage mixing and coliforms ; industrial impacts; urbanization. There is no previous classification study based on the WQI scores on the river Tamirabarani. The recent studies were undertaken to enumerate water quality as well as spatial and temporal variations of the perennial river using mathematical aggregation of water quality index as an indicator of the environmental quality and to classify the river basin based on the International (WHO) and Indian standards.

Pollution in the Tamirabarani river is attributed to the in-stream activities like higher washing, bathing, sand mining, animal cleaning etc., runoff from agricultural fields, livestock discharges and from rural and urban areas, whereas the quality was mainly deteriorated by

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[55] *Indian Journal of Environmental Protection*, A preliminary Assignment of Water Quality Index to Major Indian Rivers, 1985, 5(4) 276- 279.
[56] *Bioresearch Bulletin*, Impact of Industrial Effluents and Sewage on River Thamirabarani and its concerns, 2010, pp. 16-18.

various organic inputs along the river course through canals which consists of domestic wastes, sewage discharges without treatment, open defecation, hospital wastes and dumping of garbage wastes at the bank areas.[57] It is also clearly indicated that water quality was decreasing during the summer period.

Having come to know about the need for cleaning the river bed of the Thamirabarani river, different clubs functioning at schools and colleges have come forward on several occasions to clean the same. For instance the Government Industrial Institute at Pettai, Tirunelveli has recorded the cleaning activity in their diary of activities during the year 2011-12.[58] Thamirabarani river belt at Papanasam was cleaned as part of environmental awareness camp on 5 February 2011.[59] Environmental cleaning programme was conducted in the place in and around Papanasam. Poly bags and other rubbish were removed and the entire area was cleaned to make the place free from pollution. Ninety volunteers assisted the cleaning programme. And food was provided to all the Volunteers.

The following report speaks about the awareness of the police officials and the Tirunelveli city police force in the cleaning of the Thamiraparani river.[60] Commissioner of Police Karuna Sagar has announced that the Tirunelveli City Police would be involved in cleaning the Tamirabharani, lifeline of the southern districts, on every Saturday. Flagging off the cleaning of thorny bushes and the garbage dumped on the western banks of the perennial river near the Collectorate , Karuna Sagar, said that the river, which was quenching the thirst of several millions of population in the southern districts, had been polluted seriously due to a range of factors. To prevent the sacred river from becoming another Cooum, the public, voluntary organisations and the students should join hands. To spearhead this initiative, the Tirunelveli City Police would involve themselves in cleaning the Tamirabharani on every Saturday, the Commissioner of Police announced. Backed by five earth movers, around 200 policemen and others participated in the cleaning exercise. Parish priest of St. Adaikkalamatha Church, Tirunelveli Town, Rev. Fr. Antony A. Cruz, President of Tamirabharani Conservation Movement Rev. Fr. Joseph Kennedy, Deputy Commissioner of Police, Tirunelveli City, Jayabalan were present. This Tamirabharani Conservation Movement is a spontaneous response

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[57] Ibid.

[58] *Annual Report 2011-2012,* Government Industrial Institute at Pettai, Tirunelveli , dated 22 January 2012.

[59] *The Hindu,* Thamirabarani River Belt at Papanasam cleaned, dated 6 February 2011.

[60] *The Hindu*, Police Step in to Conserve Tamirabharani, dated 10 June 2012.

of volunteers who are interested in creating a healthy and safe environment of the river bed . It is not a registered body. It has not envisaged creation of funds for the protection of the river. It should be made into a people's movement with participation of large number of local residents. It is the suggestion of the President that it should be registered with representatives from various local level organizations and government funding should be obtained to protect the environment so that it can come out with concrete plans of action.

Collector G. Prakash banned sand mining activities in Tamirabharani at Suththamalli following a representation from Mayor A.L. Subramanian and the 'gram sabha' meeting boycott by the residents of Suththamalli village panchayat in protest against the uncontrolled quarrying of sand in their village.[61] After the sand depot was opened recently in a place close to the infiltration wells of Suththamalli, Corporation officials refused to go ahead with the pre-project activities of two drinking water schemes, which were recently announced by the Minister for Local administration, M.K. Stalin. As a Corporation team, led by Mayor Subramanian, tried to inspect the ongoing sand mining near the infiltration wells supplying drinking water to the Corporation, they were threatened not to enter the sand depot. The Mayor, after leaving the spot, said he would discuss the issue with his colleagues and officials before submitting a memorandum to the Collector, "on whose permission the sand depot was opened". Subramanian along with a team of officials and a couple of councillors, who met Prakash, pointed out that the local body was not in a position to execute two drinking water schemes due to the sand mining near the infiltration wells. The Collector said that sand mining had been terminated at Suththamalli to enable the Corporation to sink new infiltration wells in Tamirabharani for the drinking water schemes for wards nineteen, twenty six and twenty seven at the cost of Rupees sixteen crore and wards eight to ten on an outlay of Rupees four crore. Meanwhile, the gram sabha meeting convened at Suththamalli village pancahyat witnessed sloganeering and subsequent boycott by villagers in protest against the sand mining. When the meeting was convened at Suththamalli as part of the May Day celebrations, residents of the civic body expressed their displeasure over the official nod given for opening a sand depot in their hamlet. The villagers said mining of sand with heavy equipments beyond the permissible level in the points close to the infiltration wells would badly affect the quality of water as there was no sand

[61] *The Hindu,* Sand Mining Banned in Tamirabharani, 2 May 2008.

bed to naturally purify the 'white gold' stagnating around the wells. Hence, the Collector should ban sand mining activities in the areas close to the infiltration wells of Suththamalli and initiate immediate steps to remove the unauthorised road laid across the perennial river to enable the trucks to reach the sand depot. The villagers alleged that no royalty was paid to Suththamalli panchayat to mine the sand and raised slogans against rampant sand mining even as they boycotted the gram sabha meeting.

Later a total ban on sand mining was enforced in Tamirabarani. [62] On 27 September 2010, the Madurai Bench of the Madras High Court today directed the Tamil Nadu government to furnish a detailed report on sand mining in Tamiraparani river, a major source of irrigation in two southern districts. After hearing series of accusations relating to sand mining on a PIL petition, Justices P Jyothimani and S Nagamuthu directed PWD officials to file a report after an inspection and posted the case to 29 September 2010 for further hearing. Observing that there was indiscriminate sand mining in the river in Tirunelveli and Tuticorin districts, the court had on 19 October 2010 stayed mining of sand in the entire length of the river, which irrigates one lakh hectares. The petitioner Vaikunta Raman has alleged large scale illegal mining of sand from the river in the two districts. Veteran CPI leader R Nallakannu appeared in person and pleaded with the judges to save the perennial river. He submitted that at Thozhappan Pannai mining site, the government had permitted to take 54417 units of sand in six months but daily 100-150 lorry loads, carrying up to four units, were mined. The heavy machines used had dug sand up to thirty metres, he claimed. This had badly hit the farming operations. Besides a 150-year-old bridge near the site had become weak and could collapse any time, he contended. The CPI leader also said officials were filing cases against bullock cart men and small tractor owners who mined small quantity of sand for own purpose while those who exploited the resources were freely allowed.

Plastic shopping bags, carrier bags or plastic grocery bags are a type of shopping bag made from various kinds of plastic. In use by consumers worldwide since the 1960s, these bags are sometimes called single-use bags, referring to carrying items from a store to a home. However, reuse for storage or trash is common, and modern plastic shopping bags are increasingly recyclable or biogradable. In recent decades, numerous countries have introduced

[62] *The New Indian Express*, High Court Declines to Lift Stay on Sand Mining, dated 28 September 2010.

legislation restricting the sale of plastic bags, in a bid to reduce littering and pollution.[63] American and European patent applications relating to the production of plastic shopping bags can be found dating back to the early 1950s, but these refer to composite constructions with handles fixed to the bag in a secondary manufacturing process. The modern lightweight shopping bag is the invention of Swedish engineer Sten Gustaf Thulin. In the early 1960s, Thulin developed a method of forming a simple one-piece bag by folding, welding and die-cutting a flat tube of plastic for the packaging company Cello plast of Norrkoping, Sweden. Thulin's design produced a simple, strong bag with a high load-carrying capacity, and was patented worldwide by Celloplast in 1965. From the mid-1980s onwards, plastic bags became common for carrying daily groceries from the store to vehicles and homes throughout the developed world. As plastic bags increasingly replaced paper bags, and as other plastic materials and products replaced glass, metal, stone, timber and other materials, a packaging materials war erupted, with plastic shopping bags at the center of highly publicized disputes.[64] Although few peer-reviewed studies or government surveys have provided estimates for global plastic bag use, environmental activists estimate that between 500 billion and 1 trillion plastic bags are used each year worldwide.

Traditional plastic bags are usually made from polyethylene, which consists of long chains of ethylene monomers. Ethylene is derived from natural gas and petroleum. The polyethylene used in most plastic shopping bags is either low density or more often high density. Color concentrates and other additives are often used to add tint to the plastic. Plastic shopping bags are commonly manufactured by brown film extrusion. Some modern bags are made of vegetable-based bioplastics, which can decay organically and prevent a build-up of toxic plastic bags in landfills and the natural environment.[65] Bags can also be made from degradable polyethylene film. However, most degradable bags do not readily decompose in a sealed landfill and represent a possible contaminant to plastic recycling operations. Plastic shopping bags could be made from polyactic acid , a biodegradable polymer derived from lactic acid, although this is not widely used. In general, biodegradable plastic bags need to be kept separate from conventional plastic recycling systems. According to Vincent Cobb, a manufacturer of reusable

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[63] Leelakrishnan.P., *Ban the Plastic Bag : A Community Action Plan* , Lucknow, 2005, pp.30-36.
[64] Ibid.
[65] Ibid.

bags, each year millions of discarded plastic shopping bags end up as litter in the environment when improperly disposed of. The same properties that have made plastic bags so commercially successful and ubiquitous—namely their low weight and resistance to degradation—have also contributed to their proliferation in the environment. Due to their durability, plastic bags can take centuries to decompose.

On land, plastic bags are one of the most prevalent types of litter in inhabited areas. Large buildups of plastic bags can clog drainage systems and contribute to flooding, as occurred in Bangladesh in 1988 and 1998 and almost annually in Manila.[66] Littering is often a serious problem in developing countries, where trash collection infrastructure is less developed than in wealthier nations. Plastic bags were found to constitute a significant portion of the floating marine debris in the waters around southern Chile in a study conducted between 2002 and 2005.[67] If washed out to sea, plastic bags can be carried long distances by ocean currents, and can strangle marine animals.

Some large store chains have banned plastic shopping bags in the U.S. and the U.K. Heavy-duty plastic shopping bags are suitable for reuse as reusable shopping bags. Lighter weight bags are often reused as trash bags or to pick up pet feces. All types of plastic shopping bag can be recycled into new bags where effective collection schemes exist. By the mid-2000s, the expansion of recycling infrastructure in the United States yielded a seven percent annual rate of plastic bag recycling. This corresponded to more than 800,000,000 pounds (360,000 tonnes) of bags and plastic film being recycled in 2007 alone. Each ton of recycled plastic bags saves the energy equivalent of eleven barrels of oil, although most bags are produced from natural-gas-derived stock. In light of a 2002 Australian study showing that more than sixty percent of bags are reused as bin liners and for other purposes, the seven percent recycling rate accounts for 17.5 percent of the plastic bags available for recycling. According to the UK's Environment Agency, seventy six percent of British carrier bags are reused. An estimated ninety percent of individuals reuse some plastic bags, and fifty six percent of individuals reuse all plastic shopping bags.

[66] *The Garbage Book: Solid Waste Management in Metro Manila,* The Asian Development Bank, 2004, p.179.
[67] *Ibid.,* pp.123-130.

Plastic bags cause many minor and major issues in geographical terms. The most general issue with plastic bags is the amount of waste produced. Many plastic bags end up on streets and are aesthetically displeasing. When disposed of properly, they take many years to decompose and break down generating large amounts of garbage over long periods of time. If not disposed of properly the bags can pollute waterways, clog sewage systems and have been found in oceans affecting the habitat of animals and marine creatures. Lightweight plastic bags are also blown into trees and other plants and can be mistaken for flowers by animals affecting their diet.

Several countries, regions, and cities have enacted legislation to ban or severely reduce the use of disposable plastic shopping bags. Outright bans have been introduced in some countries, notably China, which banned very thin plastic bags nationwide in 2008. Several other countries impose a tax at the point of sale. In 2002, India banned the production of plastic bags below twenty microns in thickness to prevent plastic bags from clogging of the municipal drainage systems and to prevent the sacred cows of India ingesting plastic bags as they confuse it for food. However, enforcement remains a problem. In Tirunelveli district also the use of plastic bags has been officially banned but it is found that everybody is using plastic bags without any restriction.

Though the Central Government, based on the guidelines of the Supreme Court, had enacted 'Solid Waste Management Act 2000' and instructed the State Governments to implement it scrupulously, it was not executed in any of the province. When the Union Government made some amendments in the 'Recyclable Plastic Products Use and Sale Act 1999' and formulated new regulations in 2003, the plastic product manufacturers of Tirunelveli district strictly started following the norms.

The Tirunelveli District Collector M. Jayaraman made it clear that non-recyclable and non-degradable plastic products should not be used in marriage halls, teashops, eateries and hotels within the corporation limits from 1 January 2010.[68] The ban on the non-recyclable and non-degradable plastic products being largely used in the marriage halls, teashops, eateries and hotels comes into effect from the New Year. The super markets, textile showrooms and other business establishments using these products should stop using it from 1 April 2010. The

[68] *The Hindu*, Ban on Non-recyclable Plastic from January 1, dated 6 December 2009.

Tirunelveli Collector Mr Jayaraman made a call to all to work towards liberating the entire district from this highly dangerous waste, posing serious threat to the environment. He organized a meeting with the representatives of business establishments at the Collectorate. Moreover the Tirunelveli Municipal Corporation recently came forward to send the plastic waste being generated within its jurisdiction to a private cement manufacturing unit to be used as a supplement fuel. Jayaraman announced that these wastes being brought to the collection centres would be purchased at the rate of Rupee one per Kilogram. He instructed the officials and representatives of urban and rural local bodies to conduct a series of awareness programmes on the issue.

The Tirunveli Municipal Corporation council unanimously passed a resolution ratifying the District Collector's recent order that banned the manufacture, storage, sale and use of non-biodegradable plastic products with the thickness of twenty micron and below this specification.[69] In a bid to make the district plastic-free, Collector M. Jayaraman, in association with the Department of Environment, recently issued orders to send the plastic waste to a cement manufacturing unit located on the outskirts of Tirunelveli to be used as supplement fuel along with the regular fuel, coal, in the manufacture of cement. Since the Municipal Corporation has to give its nod for the ban that has been enforced with the objective of improving the environment, a resolution was placed before the Council meeting held on Wednesday. The resolution was passed unanimously.

The Corporation officials, in a bid to enforce its decision on the plastic ban, confiscated non-recyclable and non-degradable plastic products such as carry bags and cups from the shops in and around Tirunelveli Junction bus stand on Wednesday. As the Corporation Council had decided to impose a ban on the manufacture, sale and use of non-recyclable and non-degradable plastic products such as carry bags and cups in the areas under its jurisdiction from June 1 onwards, the urban local body convened a meeting of the manufacturers and the traders to explain to them about the ban and also to appeal to them to abide by the corporation's resolution. Subsequently, awareness rallies and human-chains were organized in various parts of the city to create awareness among the public. Moreover, pamphlets were also distributed in this connection. Since most of the traders were flouting the corporation's ban on use of non-

[69] *The Hindu*, Council Passes Resolution Ratifying Ban on Plastics, dated 25 February 2010.

recyclable and non-degradable plastic products, the corporation's Thatchanallur Zone officials swung into action on Wednesday and seized the plastic carry bags and plastic cups from the shops.[70] The officials told them to use either paper cups, paper bags or cloth bags. The officials said that if the shop keepers dared to defy the ban, then fine up to Rs. 3,000 will be imposed on the violators. Meanwhile, the Plastic Products Manufacturers' Association, which met here on Wednesday, has decided to produce only polythene bags with forty micron and above as a mark of supporting the ban.

The Tirunelveli Chapter of Tamil Nadu and Pondicherry Plastic Manufacturers and Merchants' Association has appealed to the district administration to reconsider its decision to ban manufacture and sale of non-recyclable and non-degradable plastic products from January 1 as it would totally destroy the livelihood of more than 15,000 families. Speaking to reporters its State president G. Sankaran said that plastic had become a part of the life in the age of consumerism as there was no replacement for this synthetic material in the packaging industry. The affordable cost, durability, easy to manufacture, attractive colour etc. had given the plastic several advantages than any other material in the industry. While the plastic products did not pollute the environment during manufacture and usage, the problem started when they were thrown away on streets by consumers. Though the consumers discard wood, steel, rags, waste paper, sanitary napkins and vegetable waste improperly, the blame for chocking drainage and irrigation channels is put on non-recyclable and non-degradable plastic products, as these materials float on water attracting everyone's attention. Moreover, the State Government was announcing special incentives for plastic product manufacturing industry and efforts were on to establish a plastic raw material manufacturing unit in one of the southern districts. However, the district administration has announced the ban on the non-recyclable and non-degradable plastic products from January 1, which will badly cripple 250-odd small and medium size plastic product manufacturing units, which feed more than 15,000 families directly and indirectly. Instead of banning these products, the administration should consider implementing the 'Solid Waste Management Act 2000' and the 'Recyclable Plastic Products Use and Sale Act 2003, which will certainly provide a viable solution to this problem. [71]

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[70] *The Hindu*, Corporation Gets Tough on Use of Plastic Bags, Cups, dated 14 June 2012.
[71] *The Hindu*, Reconsider Move to Ban on Plastic Products, dated 28 December 2009.

News papers carry reports of rallies and other activities undertaken to create awareness about the problems in the use of plastics. For instance, National Cadet Corps of various schools took out an anti-plastic awareness rally at Palayamkottai on 16 October 2012. [72] NCC cadets of MDT Hindu College Higher Secondary School, Tirunelveli Junction, St. John's Higher Secondary School, and St. Ignatius Convent Girls' Higher Secondary School, participated in the rally carrying placards displaying anti-plastic messages. They appealed to the passersby not to use 'use and throw' plastic products that seriously polluted the environment, especially the land. The rally that started from St. John's Higher Secondary School traversed St. John's College Road, St. Xavier's Cathedral, South Bazaar and District Central Library to reach the starting point again.

There is yet another report about the anti plastic cycle rally. NCC cadets of St. John's College, Palayamkottai, took out an anti-plastic awareness cycle rally. Jointly organized by Tamil Nadu Pollution Control Board and the NCC Unit of St. John's College, the rally started from the college premises.[73] The cadets distributed pamphlets explaining the adverse effects of plastic products on the environment and groundwater table.

To create awareness among the public on environment conservation, Green Brigade students of various schools here took out a rally in Palayamkottai on 6 June 2010.[74] Holding placards and raising slogans, students from St. Xavier's Higher Secondary School, Christhuraja Higher Secondary School, Child Jesus Higher Secondary School and St. Ignatius Convent Higher Secondary School took out the awareness rally from VOC Grounds, Palayamkottai, which was organised by Isha Foundation. Minister for Environment, Youth Welfare and Sports T.P.M. Maideen Khan flagged off the rally in the presence of Tirunelveli MLA N. Maalairaja.

The 'World Environment Day' was celebrated here on Tuesday with cycle rally and human chain, in which Mayor Vijila Sathyananth and others participated.[75] Vijila flagged off the cycle rally at VOC Grounds, Palayamkottai to mark the 'World Environment Day'. Girl students from various schools here participated in the cycle really that traversed Rose Mary Matriculation

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[72] *The Hindu*, NCC Cadets Take out Anti-plastic Rally, dated 17 October 2012.
[73] *The Hindu*, Anti-plastic rally, dated 19 December 2009.
[74] *The Hindu*, Environment Conservation Rally , dated 7 June 2010.
[75] *The Hindu*, World Environment Day Celebrated in Tirunelveli, dated 6 June 2012.

Higher Secondary School, St. John's College and South Bazaar before reaching VOC Grounds. The participants distributed pamphlets stressing the need for completely prohibiting the use of non-recyclable plastic products and creating awareness on dengue. On behalf of Tirunelveli Corporation, a human chain was organized on the North High Ground Road in which Ms. Vijila, Deputy Mayor P. Ganesan alias Jeganathan, Commissioner in-charge, T. Mohan and others participated.

On 22 March, 2010, students of some of the schools and colleges in Tirunelveli took out a procession here on Monday in connection with the World Water Day and to create awareness among the public on the need for conserving water sources and using the ‘white gold' judiciously.[76] After being flagged off by Collector M. Jayaraman from VOC Grounds, Palayamkottai, the participants holding placards with the messages on water conservation, reached Jawahar Grounds after traversing South Bazaar and Samathanapuram. Members of Rotary Club of Tinnevelly also conducted a road show and organised a ‘walk for water' in view of the World Water Day.

It is worth mentioning that Kanyakumari is declared as plastic free district because of the strict enforcement of the law.[77] The Kanyakumari Collector Rajendra Ratnoo Solid waste management committees were set up in six tourist places to create awareness among the people to prevent use of plastics and segregation of non-recyclable plastics in their areas. Inaugurating an awareness rally at Kanyakumari on Thursday, he said that five-member committee had been formed in all wards of Nagercoil and Padmanabhapuram municipalities, Kanyakumari, Suchindurum and Thirparappu town panchayats and Vellancode village panchayat in Chitaral. He pointed out that around 1.20 lakh tonnes of solid waste was being generated every day in India. In Kanyakumari district, 1,000 to 1,500 kg of non-recyclable waste was being generated every day. Non-recyclable plastic was first used as a co-fuel in Associated Cement Company at Kymore in Madhya Pradesh in March 2008. Based on the success story, it has been decided to use non-recyclable waste from Tirunelveli and Kanyakumari districts as co-fuel in India Cements at Thazayuthu in Tirunelveli district. Under co-processing of plastic waste in cement kiln programme, it has been decided to collect five tonnes of plastic waste from these districts every

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[76] *The Hindu,* World Water Day Observed, dated 23 March 2010.
[77] *The Hindu,* Kanyakumari to Become Plastic Free District, dated 1 November 2009.

day and use as a co-fuel in India Cements. The authorities could save one per cent of the total fuel used in the factory by burning non-recyclable waste. This was an eco-friendly fuel. The Assistant Engineer of Tamil Nadu Pollution Control Board, P.Kirubanantha Rajan, said that the solid waste management committees would ensure to convert the district in to plastic free in the next two months. A massive awareness rally would be conducted at five places in Nagercoil on 9 November. The Chief Education Officer has requested to conduct slogan writing competition to stress the need to create awareness on preventing use of non-recyclable plastics in all schools through out the district and the District Collector would distribute prizes to the winners in December. He also sought the co-operation of the people for the successful implementation of the programme with an ultimate aim to declare Kanyakumari as plastic free district. What is most striking is the fact that not only the consumer clubs in schools and colleges but other clubs such as eco clubs and National Cadet Corps join in this venture of preserving the environment from pollution.

In Tirunelveli district milk is an essential food component for both young and old. Dairying, by playing a significant role in strengthening rural economy had brought about socio-economic transformation in Tirunelveli distsrict. Small farmers, marginal farmers and downtrodden constitute majority of milk producers. Dairying has vast potential to generate employment and has helped in poverty alleviation in the rural belt of Tirunelveli district. Dairying provides definite and regular income and employment to millions of rural families throughout the year, especially to women thereby improving the quality of their life. The milk producers in the Tamilnadu State in the Co-operative sector on an average get daily income of Rs.329.00 lakhs collectively (Rs.1,20,085 lakhs annually) for the milk they pour to the dairy societies which indicate the importance of this sector in the rural economy.[78] While India is the largest milk producing country in the world, Tamil Nadu is one of the frontline States in milk production and ranks as number one in the country in the coverage of more than 50 percent of revenue villages under Co-operative ambit. There are 8012 functional primary milk societies with 22.09 lakhs members.[79] During 2008-09, average milk procurement by Dairy Co-operatives was 26.30 lakhs litres per day. On 12 February 2009, a record milk sale of 11.03 lakhs litres was

[78] Devaram. J.,*Evaluation of a Community based Dairy Project in Tamilnadu*, Bangalore, 2002, p.49.
[79] *Ibid*., pp.57-59.

achieved in the history of Chennai Metro Dairies.[80] The market shares of Dairy Co-operatives had increased considerably and Aavin brand holds the major market share in Tamil Nadu. 8012 Milk Producers' Societies including 1408 Milk Producers Co-operatives exclusively for women and sixty one Primary Milk Consumer Co-operative societies are functioning in Tamil Nadu.

In Tirunelveli Consumers' requirements and preferences are given due importance by Tamil Nadu Co-operative Milk Producers' Federation Ltd., to supply quality products in the brand name of Aavin**.** Toll free No.18004253300 has been provided to contact the consumer cell of the Federation at Nandanam functioning round the clock to lodge the grievances and steps are taken to redress the grievances immediately. Milk Parlours functioning for about 16 hours to cater to the needs of the consumers have been opened. To fulfill customers' needs, special campaigns for sale of monthly cards were organized during the month of April 2008. Pro-biotic Curd was introduced in Chennai market.

Most people in Tirunelveli are resigned to drinking milk diluted with water which not only reduces the nutritious value of the beverage but also poses risk to health. More laboratories are needed to test milk. Tirunelveli being largely a vegetarian society relied on milk rather than meat for its nutritional needs.

A glass (250ml) of unadulterated whole milk gave around 146 kcals; eight grams of fat and protein with 257 mg of calcium.[81] Calcium and other vitamins and minerals in milk made it an important part of a healthful diet for people of all ages. The benefits of drinking milk included strengthening bones, improved cardiovascular and oral health. Milk was found to be most commonly diluted with water - this not only reduced its nutritional value, but contaminated water caused additional health problems. The other adulterants used were mainly starch, sodium hydroxide (caustic soda), sugar, urea, hydrated lime, sodium carbonate, formalin, and ammonium sulfate.

The Indian Council of Medical Research had reported that milk adulterants had hazardous health effects.[82] The detergent in milk caused food poisoning and other

[80] Ibid.
[81] Raj Kumar,M., *Milk and Dairy sector in India*, New Delhi, 2004, p.79.
[82] *India Today*, UP Seizes Deadly Cocktail Peddled in Delhi as Milk, dated 23 August 2010.

gastrointestinal complications. Its high alkaline level damaged body tissue and destroyed proteins. Other synthetic components caused impairments, heart problems, cancer or even death. While the immediate effect of drinking milk adulterated with urea, caustic soda and formalin was gastroenteritis, the long-term effects were far more serious. Urea led to vomiting, nausea and gastritis. Urea was particularly harmful for the kidneys, and caustic soda was dangerous for people suffering from hypertension and heart ailments. Formalin caused more severe damage to the body like liver damage. The health impact of drinking milk adulterated with these chemicals was worse for children. Caustic soda harmed the mucosa of the food pipe, especially in kids. The chemical which contained sodium, acted as slow poison for those suffering from hypertension and heart ailments.

Officials of the Directorate of Public Health and Preventive Medicine periodically conduct raids on the milk that was being supplied to consumers. On 22 July 2008 they conducted State-wide raids on branded and unbranded milk following reports of large-scale sale of adulterated milk by unlicensed vendors in Tamil Nadu.[83] The day-long raids were conducted by the officials on milk processing plants of major brands as well as village milk cooperative societies, milk collection centres, chilling centres, retail shops, and milk parlours. The officials also conducted checks at the Ambattur and Madhavaram dairies of Aavin and lifted milk samples. Over 1,500 litres of milk kept in unhygienic containers for sale after the expiry date was destroyed by officials. Action was also taken against unlicensed vendors. In Madurai, 850 litres was destroyed, 200 litres in Ambattur Municipality, 175 litres in Cuddalore and 140 litres in Dindigul as they were found to be either adulterated or stored in unhygienic conditions. In Tirunelveli district, milk being taken to an Aavin chilling centre in an unsealed can was seized. Aavin officials were informed about the seizure. T. Jeyakumar, Joint Director of Public Health, who was also the State Health Authority for Prevention of Food Adulteration, told The Hindu that the department received complaints of adulterated milk being sold from consumer organisations and individuals from across the State.

The teams were asked to examine every institution processing, transporting or selling milk, whether or not there was a suspicion of adulteration. Officials were asked to take action as

[83] *The Hindu,* State-wide Raids on Milk Suppliers, dated 23 July 2008.

per Prevention of Food Adulteration Act, 1954, and Tamil Nadu Public Health Act, 1939. He said urea, tissue paper, animal fat, sodium bicarbonate, soap powder and starch were mixed with milk to increase its density and whiteness. The collected samples were sent to the Directorate's food analysis laboratories located in Guindy, Thanjavur, Palayamkottai, Salem and Coimbatore. The reports, expected to be ready in about twenty days, would be sent to the local health authority and to the State Authority. The State Authority then sanctioned prosecution against offenders. The maximum punishment was life imprisonment, especially in cases where the adulterant is life-threatening of if it had already caused death or disability. The minimum simple punishment was imprisonment for three months or a fine.

On 17 June 2004, Tirunelveli Corporation officials seized 100 litres of milk of various brands for not bearing the date of manufacturing and batch number on the packets. The officials, led by the City Health Officer, N. Chandramohan, and the Food Inspector, A.R. Sankaralingam, raided several shops in Tirunelveli and Palayamkottai after the Corporation Commissioner, D. Chandrasekaran, received complaints from the public and members of the Consumer Protection Council about the milk packets being sold in the market without manufacturing date and batch number. The milk samples had been sent for analysis and cases would be registered against the sellers and the manufacturers if they were found to be adulterated, the Corporation sources said. The milk packets were later destroyed.[84]

In order to check the quality of milk being supplied by various companies, including Aavin and other milk vendors to the consumers within the corporation limit, a team of Corporation officials, led by Corporation Health Officer Janaki Ravindran conducted surprise raids in various places on 22 July 2008.[85] The team, which started its operation early in the morning, intercepted more than 150 vendors and seized over 1,000 litres of adulterated milk from them after verifying the quality with lactometer. The entire quantity of impure milk was destroyed later. The team then descended on more than forty shops, canteens in some of the hospitals and colleges at Pettai, Tirunelveli Town, Tirunelveli Junction, Vannarpet, New Bus-Stand at Vaeinthaankulam to check the quality of milk being served by them. Three vans carrying milk were intercepted and samples were collected. Four samples – two from leading

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[84] *The Hindu,* Milk Packets Sans Date, Batch Number Seized, dated 18 June 2004.
[85] *The Hindu ,* Quality of Milk Checked in Districts, dated 23 July 2008.

brands and the remaining two from the vendors - were collected and sent for analysis. The team also collected Rs. 8,220 from the vendors, who failed to get license from the corporation for selling milk.

On 25 April 2011 Tirunelveli Corporation officials conducted surprise checks at various points on Monday to ascertain the quality of milk and sent one of the suspected samples for analysis. [86]According to Food Inspector A.R. Sankaralingam, quality of milk was checked at KTC Nagar, Maharaja Nagar and Thiyagaraja Nagar and one sample, suspected to be adulterated, was sent for analysis. As seven milk suppliers were found to be not holding valid license, the accreditation fee of Rs. 305 was collected from them to provide the license immediately.

Standardization, a very familiar term, consists of the process of formulating, issuing and implementing standard. The consumer, in the past, was merely an end user or the one who just consumed the product. What the consumers in the past expected from goods and services were very simple. They expected only quality, safety, performance, effectiveness, reliability and interchangeability of the products and services. This is no longer true with the consumers of the twenty first [t] century. Their expectation is not limited to what had been described above. The modern consumers ask for more. They are concerned about the environment, health and safety, ethics as well as management system. The consumers now care for the well being not only of themselves but of the consumers in other countries as well. Therefore, it becomes harder for the manufacturers and service providers to respond to the demand of the modern consumers.

Going through the principle of standardization, one can see the role of the consumers and the benefits they can derive. Consumers must take part in standardization and in all procedure, whether the preparation of standards, or the conformity assessment at both national and international level. This would help to make sure that standards can actually be put into good use, worthy of investment and implementation. In the standardization procedure of all countries, it is already a common practice to build up consumer confidence by involving consumers in the

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[86] *The Hindu,* Officials Check Milk Quality, dated 26 April 2011.

process. The issue rests rather on the role fulfillment of the consumers. In some countries however, consumers may not be able to fully take up the role, probably because of the lack of opportunities given to them or their own level of performance. It is therefore the duty of all players in standardization, especially the government to help by giving them support and knowledge. In some cases, the government may need to apply laws, particularly when safety and sanitary matters are the issue.

Standardization becomes important in the control of the shrinking world that knows no borders. Trading has become highly competitive and consumers highly smart. It may be said that, for today as well as for the future, the market belongs to the consumers. This is the time when no countries can stand alone. They all need to trade and exchange with each other. Consumers in one country may have different demand or taste from another. However, on safety and sanitary issues, it must be emphasized that each and everyone in this world deserves the same level of protection. There are some requirements of the global market which also support the new trend for the consumer expectation worldwide. The World Trade Organization (WTO) was established in 1995 to ensure smooth, predictable and free flow of trade. Under WTO, the Agreement on Technical Barriers to Trade (TBT), which is aimed to reduce impediments to trade resulting from the differences of national regulations and standards of the member countries, requires that the international standards should form the basis for the development of national regulations and standards.[87] The TBT Agreement urges the standardizing bodies of WTO members to accept the Code of Good Practice for the Preparation, Adoption and Application of Standards to ensure that regulations and standards do not create unnecessary obstacle to trade. Thus, with the obligations of WTO Agreement, international standards have a significant role to play in the world trade. Standardization has been proved to be a useful means to raise the consumers confidence and to reduce obstacles to trade as aimed by the WTO agreement. However, the role of standardization is more than ensuring quality of goods. Standardization also plays a key role in helping environmental restoration, at the same time preserving natural resource. Furthermore, standardization is flexible and responsive to the rapid technological advancement which allows innovation in product and service development. Above all, standardization can create transparency in the cross-border exchange of goods and services.

[87] *Annual Report 2012,* World Trade Organization, Geneva, 2012, pp.29- 32.

However, standards to be beneficial to all are standards which are developed by consensus- i.e. standards which are agreed to by all parties concerned. One of the parties whose voice is imminent in the standards development process is the consumer. It is believed that standards will never be able to respond to the real need of consumer without their representation in the standards development. With regard to the consumers in Tirunelveli District it can only be said that the process of becoming aware of the need for standardization has begun in a few pockets here and there and there is a long way to go. Lot of concerted and systematic efforts is needed to make consumers aware of the need for standardization.

CHAPTER V

CONSUMER DISPUTES REDRESSAL IN TIRUNELVELI DISTRICT

Voluntary consumer organizations in Tirunelveli district are found to be engaged in getting the grievances of consumers redressed through different District, State and National consumer disputes redressal mechanisms as their second major activity. Before the enactment of the Consumer Protection Act 1986 consumers especially from economically weaker sections resorted to the legal aid centres attached to the different courts for the redressal of their grievances. The Right to Information Act 2005 was also found to be quite useful and very helpful to voluntary consumer organizations and aggrieved consumers to get the necessary information and to resolve their grievances. The establishment of State Consumer Helpline and the Consumer Advice Centre (CAC) had enabled the development and growth of the voluntary consumer organizations. This chapter reviews the various attempts of the voluntary consumer organizations at getting the consumers disputes solved through different redressal mechanisms.

The Government of India had enacted more than 50 Acts/ laws which can be interpreted in favour of consumers. These enactments have empowered the government to control production, supply, price, distribution and quality of a large no. of goods and services. Most of these types of power or practices are mentioned in a number of business laws aimed at regulating trade and providing justice to consumers and protecting their rights and interests. Some of them are being mentioned here : The Indian Penal Code 1860, Indian contract Act 1872, Sale of Goods Act 1930, Agricultural produce grading and marking act 1937, Drugs and Cosmetics Act 1940, Drugs and Remedies (objectionable Advertisements) Act, 1954, Essential Commodities Act 1955, Trade and Merchandise Act 1958, Standards and Weights and Measures Act 1976, Supplies of Essential Commodities Act 1980, The Bureau of Indian Standard Act 1986, The Environment (protection) Act-1986, Banking Regulation Act 1949, Railways Act 1989, etc. These are just some names, the list is so long to be mentioned and described here. All these Acts/laws show that government has a well - established system or approach for

the protection of consumer's interests and for creating an healthy business environment. But at the end, still it can be said that the interests of the consumer were not being safeguarded due to many reasons. A number of objectives of the above pieces of legislations overlap. The multiplicity of laws for trade regulations and consumer protection has been characterized by weak implementation as a result of which unfair and exploitative practices abound in the Indian markets. Most of the legislations are punitive in nature and none of them is compensatory in nature. There were two legal mechanisms to protect the consumers. The first one was the legal aid centre, which is attached to courts at all levels.

Legal Aid scheme was first introduced by Justice P.N. Bhagwati under the Legal Aid Committee formed in 1971.[1] According to him, the legal aid means providing an arrangement in the society so that the missionary of administration of justice becomes easily accessible and is not out of reach of those who have to resort to it for enforcement of its given to them by law" the poor and illiterate should be able to approach the courts and their ignorance and poverty should not be an impediment in the way of their obtaining justice from the courts. Legal aid should be available to the poor and illiterate. Legal aid deals with legal assistance to poor, illiterate, who don't have access to courts. One need not be a litigant to seek aid by means of legal aid. Legal aid is available to anybody on the road.

Article 39A of the Constitution of India provides that State shall secure that the operation of the legal system promotes justice on a basis of equal opportunity, and shall in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disability.[2] Articles 14 and 22(1) also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on a basis of equal opportunity to all.[3] Legal aid strives to ensure that constitutional pledge is

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[1] Aravindan. K., *Legal Aid and Advice*, Common Wealth Human Rights Initiative, New Delhi, 2010, p.3.
[2] Pylee, M.V. *India's Constitution*, New Delhi, 1997, p.201.
[3] Ibid.

fulfilled in its letter and spirit and equal justice is made available to the poor, downtrodden and weaker sections of the society.

Since 1952, the Government of India also started addressing to the question of legal aid for the poor in various conferences of Law Ministers and Law Commissions. In 1960, some guidelines were drawn by the Government for legal aid schemes. In different states legal aid schemes were floated through Legal Aid Boards, Societies and Law Departments. In 1980, a Committee at the national level was constituted to oversee and supervise legal aid programmes throughout the country under the Chairmanship of Justice P.N. Bhagwati then a Judge of the Supreme Court of India. This Committee came to be known as CILAS (Committee for Implementing Legal Aid Schemes) and started monitoring legal aid activities throughout the country. Expert committees constituted, from 1950 onwards, to advise governments on providing legal aid to the poor have been unanimous that the formal legal system is unsuited to the needs of the poor. The 1977 report of the committee of Justices Krishna Iyer and P.N. Bhagwati, both of the Supreme Court, drew up a detailed scheme which envisaged public interest litigation (PIL) as a major tool in bringing about both institutional and law reform even while it enabled easy access to the judicial system for the poor.[4] Their report, as those of the previous committees, was ignored. This explained partly the impatience of these two judges, in the post-emergency phase, in making the institution appear responsive to the needs of the population that had stood distanced from it. The two judges played a major role in spearheading the PIL jurisdiction.

The introduction of Lok Adalats added a new chapter to the justice dispensation system of this country and succeeded in providing a supplementary forum to the litigants for conciliatory settlement of their disputes. In 1987 Legal Services Authorities Act was enacted to give a statutory base to legal aid programmes throughout the country on a uniform pattern.[5] This Act was finally enforced on 9 November, 1995 after certain

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[4] Dembowsk, *Taking the State to Court - Public Interest Litigation and the Public Sphere in Metropolitan India,* New Delhi ,2001, p.85.
[5] Divyam Agarwal*, An introduction to the Legal Services Authorities Act, 1987*, New Delhi, 2000, p.26.

amendments were introduced therein by the Amendment Act of 1994. Justice R.N. Mishra the then Chief Justice of India played a key role in the enforcement of the Act.

National Legal Services Authority was constituted on 5 December, 1995. A.S. Anand, Judge, Supreme Court of India took over as the Executive Chairman of National Legal Services Authority on 17 July 1997. Soon after assuming the office, His Lordship initiated steps for making the National Legal Services Authority functional.[6] The first Member Secretary of the authority joined in December, 1997 and by January, 1998 the other officers and staff were also appointed. By February, 1998 the office of National Legal Services Authority became properly functional for the first time. In October, 1998, Justice A.S. Anand assumed the Office of the Chief Justice of India and thus became the Patron-in-Chief of National Legal Services Authority. Justice S.P. Bharucha, the senior-most Judge of the Supreme Court of India assumed the office of the Executive Chairman, National Legal Services Authority.

Legal Services Authorities after examining the eligibility criteria of an applicant and the existence of a prima facie case in his favour provide him counsel at State expense, pay the required Court Fee in the matter and bear all incidental expenses in connection with the case. The person to whom legal aid is provided is not called upon to spend anything on the litigation once it is supported by a Legal Services Authority.

A nationwide network has been envisaged under the Act for providing legal aid and assistance. National Legal Services Authority is the apex body constituted to lay down policies and principles for making legal services available under the provisions of the Act and to frame most effective and economical schemes for legal services. It also disburses funds and grants to State Legal Services Authorities and NGOs for implementing legal aid schemes and programmes. In every State a State Legal Services Authority is constituted to give effect to the policies and directions of the Central Authority (NALSA) and to give legal services to the people and conduct Lok Adalats in

[6] *Business Today*, National Legal Services Authority Provides Free Legal Aid to the Underprivileged, dated 6 January 2013.

the State. State Legal Services Authority is headed by the Chief Justice of the State High Court who is its Patron-in-Chief.[7] A serving or retired Judge of the High Court is nominated as its Executive Chairman. District Legal Services Authority is constituted in every District to implement Legal Aid Programmes and Schemes in the District.[8] The District Judge of the District is its ex-officio Chairman. Taluk Legal Services Committees are also constituted for each of the Taluk or Mandal or for group of Taluk or Mandals to coordinate the activities of legal services in the Taluk and to organise Lok Adalats. Every Taluk Legal Services Committee is headed by a senior Civil Judge operating within the jurisdiction of the Committee who is its ex-officio Chairman.

The Legal Services Authorities Act, 1987 was enacted to constitute legal services authorities for providing free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice were not denied to any citizen by reason of economic or other disabilities and to organize Lok Adalats to ensure that the operation of the legal system promoted justice on a basis of equal opportunity. The system of Lok Adalat, which is an innovative mechanism for alternate dispute resolution, has proved effective for resolving disputes in a spirit of conciliation outside the courts. However, the major drawback in the existing scheme of organization of the Lok Adalats under Chapter VI of the said Act is that the system of Lok Adalats is mainly based on compromise or settlement between the parties. If the parties do not arrive at any compromise or settlement, the case is either returned to the court of law or the parties are advised to seek remedy in a court of law. This causes unnecessary delay in the dispensation of justice. If Lok Adalats are given power to decide the cases on merits in case parties fails to arrive at any compromise or settlement, this problem can be tackled to a great extent. Further, the cases which arise in relation to public utility services such as Mahanagar Telephone Nigam Limited, Delhi Vidyut Board, etc., need to be settled urgently so that people get justice without delay even at pre-litigation stage and thus most of the petty cases which ought not to go in the regular courts would be settled at the pre-litigation stage itself which would result in reducing the workload of the regular courts to

[7] Ibid.
[8] Ibid.

a great extent. It is, therefore, proposed to amend the Legal Services Authorities Act, 1987 to set up Permanent Lok Adalats for providing compulsory pre-litigative mechanism for conciliation and settlement of cases relating to public utility services.

The Legal Aid Centre in Tirunelveli had been functioning in a separate building. Subashan Reddy, Chief Justice of the Madras High Court, inaugurated that new building for the Legal Aid Centre of the District Legal Services Authority on 27 February 2004.[9] The building was constructed on an outlay of Rupees fifteen lakhs using funds allocated under the Member of Parliament's Constituency Development Scheme, when P.H. Pandian was the MP from the Tirunelveli constituency. The edifice houses separate rooms for the principal district judge and the subordinate judge, who are President and Secretary of the District Legal Services Authority, respectively, besides having a counselling centre, space for keeping records and toilets. Delivering address, Subashan Reddy said that the free service offered at the legal aid centres were of great help to the public who could not afford to pay hefty court fees. Asking the lawyers to remain honest always, he said judges and lawyers should render concerted efforts for speedy disposal of cases. Young lawyers should strive hard in their profession to excel, rather than expect to become popular and earn sizeable revenues from the day they got enrolled in the bar. He thanked Mr. Pandian for allocating funds for the construction of the Legal Aid Centre. In a similar manner, at the Taluk level , Taluk Legal Services Authorities were also established to help consumers who could avail the opportunities outside the normal court settlements and redress their grievances.

In spite of all these there was no separate mechanism for the redressal of consumer grievances and it were covered under civil courts, which are known for expensive, time - consuming, complex and inordinate delays. All these points show that there was a strong need in the economy, to set-up a Independent Act for the settlement of consumer grievances. So in order to overcome these limitations in different legislations and implementing machinery and keeping in view the UN guidelines, Consumer Protection Act 1986, came into existence, which proved to be the milestone in the sovereignty of the customers.

[9] *The Hindu*, New Building Opened for Legal Aid Centre, dated 28 February 2004.

In order to meet out the Legal Redressal of Consumer grievances under the Consumer Protection Act 1986, a three tier quasi-judicial machinery at the National, State and District levels are established as follows :[10] National Consumer Disputes Redressal Commission, State Consumer Disputes Redressal Commission and District Consumer Disputes Redressal Fora. The District Consumer Disputes Redressal forum at Tirunelveli was opened in the year 1990. Until 1993 the Consumer Court was attached to the Tirunelveli District Court and with Justice. V. Jayaraman, the Principal District Judge, as its first President. A separate court was formed by the G.O. Ms. 641 Co-op and Consumer Protection dated 7 December 1993.[11] It has been functioning in 4/993 Bell Amorces Colony, Shanthi Nagar, Palayamkottai. The list of judges from the inception of the court in Tirunelveli are given below. The following were the Principal District and sessions Judges holding additional charge of the President of the District Consumer disputes Redressel forum , Tirunelveli .

1.	V.Jayaraman	1990	-	1992
2.	Dhanaraj	1992	-	1993
3.	Akbar Basha Kathiri	1993	-	1994
4.	Gopalasamy	1994	-	1994

After the formation of Separate District Consumer Disputes Redressel Forum the following were holding the post of President.

1.	P.Gomathinayagam	07.03.94	-	25.08.94
2.	K.Subramanian	25.08.94	-	08.03.97
3.	V.Jeyaraman	08.03.97	-	23.11.98
4.	N.Subramanian	05.07.99	-	26.04.03
5.	M.Kuppusamy	26.04.03	-	26.08.04
6.	A. Ramachandran	27.08.04	-	27.10.05
7.	A. Noor Mohamed	27.10.05	-	20.04.07

[10] Antony, M.J., *op. cit.* p.73.
[11] Government of Tamilnadu.G.O.Ms. No 641. Co-op and Consumer Protection , dated 7 December 1993.

8. Gopalakrishna Pillai 04.05.07 - 09.05.09
9. Ramachandran 19.10.09 - till date

The number of cases registered year wise are given below; 3 in 1990, 231 in 1991, 370 in 1992, 244 in 1993, 345 in 1994, 215 in 1995, 95 in 1996, 172 in 1997, 217 in 1998, 127 in 1998, 127 in 1999, 165 in 2000, 290 in 2001, 107 in 2002, 140 in 2003, 120 in 2004, 100 in 2005, 116 in 2006, 118 in 2007, 94 in 2008, 73 in 2009, 177 in 2010, 194 in 2011, and 206 in 2012.[12] It is observed that initially there was a spurt in the number of cases filed and then a gradual down fall and towards the end again a growth is observed.

The problems raised in these cases relate to different departments like bus services, railway services, Aeroplane services, Bank services, services of Financial institutions such as Benefit funds and chits, services of LIC, co-operatives, courier services and Postal services. The following are some of the consumer complaints filed with the District Consumer Redressal Forum, Tirunelveli.

The first one is the case about deficiency of service by a financial agency to a consumer. This case came up in the District Consumer Disputes Redressal Forum, Tirunvelveli as consumer complaint No 156/2011 by R.Amirtharaj, s/o Rajendran , 39 A Illyankudi, Rajakudiruppu, Palayamkottai against the Manager , Bajaj Auto Finance Ltd, Susee Auto ,10 K /1 Trivandrum Road and the Manager Bajaj Auto Finance Ltd, Bye Pass Road Madurai.[13] The complainant contended that he had availed financial assistance of Rs.25893/- to purchase motor cycle bearing registration No TN 72 P 7008 on 26 December 2006 and he had repaid the entire loan amount at the rate of 1612/- per month for eighteen months. After closure of the loan account he had requested the opposite parties to return the Registration certificate Book and spare key and to issue NOC but the opposite parties have not acted on his request. The opposite party had not issued any reply notice . therefore the complaint was allowed and the opposite parties were directed to return the Registration Certificate Book, spare key and issue No objection certificate to the complainant and to pay Rs. 20000/= as compensation for the mental agony and

[12] Report of the District Consumer Disputes Redressal Forum, Tirunelveli, January 2013.
[13] District Consumer Disputes Redressal Forum, Tirunelveli, Order on the consumer complaint No 156/2011, dated 21 December 2011.

physical strain caused to the complainant and to pay Rupees 2000/- towards cost of the proceedings.

The second one is about the deficiency of service of a bank. These days consumers are aware that financial services could cheat them through various means. One such area is about the rate of interest; they fixing a rate of interest but charge another rate. This a case of deficiency of service by a financial institution. This was filed as consumer complaint No. 85/2006[14] by K.Manikandan, s/o.Krishnan, 1/58, Subramaniasamy Kovil Street, Thirumalaiyappa puram, Ambai Taluk, Tirunelveli District. against The Branch Manager, Indian Overseas Bank, Pottalputhur, Ambasamudram Taluk, Tirunelveli District. The complainant was a student of a Polytechnic College at Cheranmahadevi studying in Diploma course. The complainant obtained an educational loan from the opposite party by depositing the title deeds of his father M.Krishnan to the tune of Rs.56,000/- in four installments. The loan pass book No. is 1/2003. Ledger Folio No. is 73. As per the agreement the agreed rate of interest for the educational loan was seven percent per annum. The complainant had to pay the interest amount alone for the principal amount till fourth year from the date of receipt of this loan amount and after that he had to pay the principal amount and accruing interest within five years so the total period of repayment of the educational loan amount is nine years and the complainant had to pay Rs.1240/- per month from October 2005 as per the agreement. The interest rate of seven percent was also mentioned by the opposite party in the pass book. On 7 December 2004 issued a demand notice that for the education loan No.1/2003. The complainant had to pay interest at the rate of Rs.2528/- within 10 December 2004, as per the agreement the complainant had to pay seven percent interest only that too from October 2005 onwards and he had to pay monthly Rs.1240/- only as per the entries made in the pass book. The complainant approached the opposite party and questioned about the changes in the interest rates. To his surprise the opposite party told him that loan sanctioned to him was not an educational loan but an agricultural loan. For agricultural loan the interest rate was 11.3/4 percent per annum and the complainant

[14] District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No 85/2006, dated 2 August 2008.

had to pay Rs.2528/- per month towards interest. The opposite party had also changed the number of loan pass book from 1/2003 to 4106/1056 without giving any intimation to the complainant. The opposite party had got no right to change the provisions of the agreement already agreed between the parties. The act of the opposite party in terms of breaching the agreement and changing the educational loan into agricultural loan amounted to deficiency in service. Hence the complainant sent a legal notice to the opposite party on 29 August 2005. The opposite party received the notice on 30 August 2005 but so far not chosen to neither send any reply nor take any action to change the agricultural loan into educational loan as per the agreement. Hence the complainant has filed this complaint to direct the opposite party to change the character of the loan from agricultural loan into the educational loan as per the agreement and to pay Rs.1,00,000/- as compensation for this deficiency of service and mental agony caused to the complainant and the cost of the proceedings. The allegation that the rate of interest for the education loan was only seven percent per annum and the opposite party had changed the interest rate to 11.75 percent by changing the character of the loan was proved to be false with the available records from the Bank and therefore the case was dismissed.

The following is a case of deficiency in service. This came up as consumer complaint No. 3/2009 [15] by A. Shanmugasundaram, S/o. Arumuga Nainar, 9/169 Pothaisuthi, Kallikulam, Pathmaneri (via) Nanguneri Taluk, Tirunelveli District as Complainant against the Post Master, Post Office, Kalakad, Tirunelveli District as the Opposite party. The complainant was residing in the address mentioned in the complaint and he is an agriculturist by profession. The opposite party is the Post Master, Post Office, Kalakad, Nanguneri Taluk who is solely responsible for all transactions in his office. The complainant is having cheque account in account no. 283233 in the opposite party's office. The opposite party issued a cheque book to the complainant containing twenty leaves in it. From 18 February 2006 onwards, the complainant was depositing a sum of Rs.1,420/- periodically in his account. Meanwhile the complainant wanted to purchase a Bajaj CT 100 motor cycle from the Bajaj Company and he entered into an

[15] District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No 3/2009, dated 12 September 2009.

agreement with the Bajaj Finance Company. As per the agreement the complainant paid a sum of Rs.7,350/- to the Bajaj Company initially and the rest of the amount was paid to the Bajaj Company by Bajaj Finance with a condition that the complainant should repay the balance amount to the Bajaj Finance in seventeen installments, installment amount being Rs.1,417/- per month. The complainant also handed over seventeen post dated cheques to the Bajaj Finance for collection periodically towards the installment amount. Two cheques of the complainant posted for collection by Finance Company were returned by the opposite party with endorsement insufficient funds as if there was no money in the account of the complainant respectively on 5 May 2006 and 1 February 2007. The cheque Numbers were 352507 dated 20 April 2006 and 352515 dated 20 December 2006 respectively. The complainant had deposited money periodically to satisfy the amount due on the cheques without fail and the opposite party had made relevant entries in the pass book with the seal of the post office. But the complainant was informed by the Bajaj Finance Company that the two cheques were returned and dishonoured in the month of February 2007. Though there was sufficient funds in the account of the complainant and relevant entries have been made in the pass book the opposite party has dishonoured the cheques and thereby caused the complainant to incur a penalty of Rs.2500/- imposed by the Bajaj Finance Company. When the complainant approached the opposite party and questioned about this, the opposite party was reluctant to answer and negligent in discharging his official duties. This caused deficiency of service on the part of the opposite party. The complainant sent a complaint in this matter to the Senior Superintendent of Post Offices, Head Post Office, Tirunelveli Division, but no action was taken on it. The act of the opposite parties amounts to unfair trade practice as well as deficiency in service and gross dereliction of duties on the part of the opposite party. Hence this complaint is filed to direct the opposite party to pay the complainant a sum of Rs.2,00,000/- as compensation amount for the loss and mental agony caused to the complainant and the costs. The complaint was allowed and the opposite party was directed to pay Rs.50,000/- as compensation for the loss and mental agony caused to the complainant and to pay Rs.2000/- towards costs.

This case came up as consumer complaint No 38/2008 by T. Jebarani W/o D. Sathiasingh , 113 Teachers Colony, Meetparnagar, Tirunvelveli against Dewan

Housing Finance Limited, Palayamkottai and Dewan Housing Finance Limited, Mumbai.[16] The complainant had availed a housing loan of Rs.2,90,000/= from the Madurai Branch of the opposite parties for construction of a new house. Since there was dispute in respect of rescheduling the loan and recovery of amounts from the complainant, she filed a complaint in CC No. 93/2004 before this forum and after an enquiry this Forum directed to reschedule the loan with interest at ten percent per annum . and to refund Rs. 3600/- collected from her illegally and to pay Rs.5000/- towards damages and to pay Rs. 1000/- towards the cost of the complaint. But the opposite parties claimed three more instalments of Rs.3900/- and Rs.3336 /- in excess to a total of Rs.11,136/- which is illegal and made to offset the amounts directed to be paid by them as per the orders in CC.No. 93/2004. The opposite parties had collected tax on interest amount at fourteen percent which was not entitled. Hence the complainant had filed this complaint to direct the opposite parties to accept the future repayment schedule of the monthly EMI Payments as per the schedule and to pay Rs.2010 towards interest on the EMI amounts received in advance from February 2000 to June 2003 and pay Rs. 20000/- as compensation for damages and to pay the cost of the proceedings. The complainant was allowed partly and the opposite parties were directed to receive Rs.24000 from the complainant and close all the loan account within a period of two months from the date of this order.

This is a claim made by Permal s/o Mandiram , 3/28, Middle street, Pannaiyarkulam, Radhapuram Taluk against the secretary, of Agricultural Cooperative Bank Limited, Radhapuram.[17] The complainant had pledged his gold ornament weighing 234,200 grams for Rs. 20,000/- on 29 April 2005 under receipt No 287321 in the above bank. Moreover the amount in savings bank account was also withdrawn unauthorisedly by bank authorities. When the complainant approached the bank to settle the amount, the bank authorities had informed that some malpractice had been committed by the bank authorities. On enquiry the complaint was allowed and the bank was directed to pay

[16] District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No 38/2008, dated 23 October 2009.
[17] District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No 84/2008, dated 23 January 2006.

Rs.1,99,070/- for the value of the gold ornaments of 234.200 grams and Rs.80,711/- the credited amount in his savings bank account with nine percent interest and to pay Rs.10,000/= as compensation for the mental agony caused to the complainant and Rs. 5000/- towards cost of the proceedings.

This is a case about the deficiency of courier service which was registered as Consumer Complaint No 142/2010 by Chandran s/o Kanchiyappan from Mesiyapuram, Vannikonendal Village in Sankarankoil Taluk against S.T.Courier Sankarankoil, and S.T. Courier Chennai. [18] The complaint was that a third party despatched a consignment through S.T.Couriers with receipt No. 015518032542 dated 23 September 2009. The above consignment had not reached its Maharastra branch office. Hence the complainant had filed this petition to direct the opposite parties to pay Rs.1,35,000/- for the loss of the product and for the mental agony along with the cost of the proceedings. The complaint was allowed and the opposite parties were jointly directed to pay Rs.35,000/- , the value of the consignment and also to pay Rs. 20,000/= as compensation for the mental agony and to pay Rs. 3000/- towards the cost of the proceedings.

Several cases had been registered with regard to services provided by transport operators. The following is a case of Perumal of C.N. Village at Tirunelveli against the Managing Director of Tamilnadu State Transport Corporation, Tirunelveli and Rappani conductor of Tamilnadu State Transport Corporation Tirunelveli. [19] The complainant boarded the Bus bearing No TN 33 1025 at Tirunelveli Bus stand for travelling to Kailasapuram. He gave Rupees ten to purchase a ticket for Rupees six and got a ticket No. 28322 GEU 1. The conductor asked for one Rupee so that he could give five Rupees back to the complainant. The conductor told the complainant that he would give Rupees five in due course. After issuance of tickets to all, the complainant requested the conductor to give the balance amount of Rupees five. The conductor replied saying that he had already given Rupees five to the complainant. The conductor stopped the bus at

[18] District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No 142/2010, dated 23 October 2011.
[19] District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No 23/2011, dated 2 January 2012.

flour mill bus stop ten kilometers before Kailasapuram and forced the complainant to get down from the bus. The complaint was allowed and the opposite parties were directed to pay Rs.7000/= to the complainant as compensation and Rs.3000/= towards the cost of the proceedings.

There are also several cases found with regard to the medical negligence of doctors. This case was registered as CC No. 60/ 2011 on the file of the District Consumer Disputes Redressal Forum , Tirunelveli. The case was filed by Sivaperumal and his two children against the Management of M/s Sudharson Hospital, Tirunelveli .[20] The facts of the case are Sivaperumal's wife Parameshwari was admitted in the above hospital on 12 June 2010 for removal of kidney stone. Dr. Gokul conducted the removal of kidney stone on 13 June 2010 and she was discharged on 4 July 2010. When the said Parmeshwari was undergoing post operative treatment in the said hospital she complained of pain in her abdomen. The doctors informed that it would subsidize in due course. Even after two visits, after her discharge, the pain and the bulging had not been subsidized. So she contacted Dr. Prakash at Tirunelveli who advised her to get a scan report. Accordingly she got a scan report and the doctor after perusal told that a perforation had been made in advertently in her intestine at the time of removal of kidney stone. So she was admitted in Tirunelveli Medical College hospital on 19 July 2010 and she was discharged on 2 September 2010. Even after that the same problem persisted and hence she was taken to Meenakshi Hospital Madurai on 3 September 2010.She was discharged on 1October 2010. The same problem continued and hence she was again admitted to Meenakshi mission Hospital Madurai on 18 October 2010. She was advised for transplantation of kidney as otherwise she would endanger her life. Sivaperumal was not able to make up the money for the transplantation. Hence Parmeshwari died on 12 December 2010. Being aggrieved the said Sivaperumal made a complaint against Sudarson Hospital for the alleged medical negligence. The court after elaborate enquiry concluded that Sudarson Hospital was not the cause for her death and hence dismissed the complaint.

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[20] District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No. 60/2011, dated 23 January 2012.

Chitra of Vasudevanallur of Tirunelveli District filed a case against Dr. S.M. Sheriffunisha for medical negligence.[21] Chitra aged thirty four years, got three children , two male and one female, she delivered the third child in Dr.Sheriffunisha's clinic on 5 November 2011 and requested the doctor to perform family planning. The doctor had done the family planning and assured that there would be no further pregnancy. There was some pain during the last week of December 2004. Chitra immediately contacted Dr.Sherrifunisha who told that there was no symptom of conceivement and advised her to take some medicines. During January 2005, Chitra went to Rajapalayam where she took up a scan on 9 February 2005 based on the advice of a Doctor in Padma Hospital . The ultrasonographic report stated that Chitra was having twenty five weeks of gestation in vertex presentation. Again she confirmed it on 19 February 2005 in a medical camp organized by Government of Tamilnadu. Thus she conceived for a fourth time and delivered a female child on 2 June 2005. Chitra had paid Rs.2500/= for her family planning operation. Because of the medical negligence, she conceived again and underwent labour pain. She claimed Rs. 5,00,000/= as compensation . The court after enquiry, directed the opposite party to pay Rs. 2,00,000/= as compensation and a cost of Rupees 5,000/=.

The following is a case of false advertisement of Hamam Grihapravesham offer. One Shunmugam of Thatchanallur, Tirunelveli filed a case against Hindustan Uni liver, a multi national company as CC No. 132/2010.[22] The brief facts are as follows. Shunmugam used to purchase Hamam soap for himself and his family members. The Hindustan Uni Liver company is the manufacturer of the said soap. Hamam Grihapravesham offer 2010 was advertised in the back of soap cover and the participants had to complete the message " I love Hamam because … " and send the same along with six original wrappers of Hamam soap with their complete residential address and send it to Hamam Grihapravesham offer 2010 C/o Alpha data centre Post Box No 3904, Girgam H.O.P. Mumbai 4 and the participants would by luck win a house. In that advertisement it

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[21] District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No. 39/2005, dated 28 March 2006.

[22] District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No. 132/2010, dated 23 April 2011.

was stated that there would be 12 houses, 250 gold coins, 750 mobile phones, 10,000 gift vouchers worth Rs.200/=. M/s Hindustan Uni Liver advertised the same through TV and news papers. The consumers have lured by this advertisement to participate in the offer, purchased the Hamam soap more than their requirement. Being induced by the offer, Shunmugam purchased six Hamam soaps at Thangam Stores, Tirunelveli and participated in that offer. He checked the newspapers every day for declaration of the results. But the company had not declared . Hence Shunmugam sent a letter to the company on 28 May 2010 asking about the results. Since no reply was received, he sent another letter on 8 June 2010 for which also, there was no reply. Hence Shunmugam made a complaint to Tamilnadu people's consumer federation on 7 July 2010 who issued a notice to the company on 19 July 2010. The company even after receiving the legal notice had not sent any reply which showed that they had not declared the results and withhold the prizes. It was an unfair trade practice hence, Shunmugam filed a complaint along with Tamilnadu People's Consumer Federation claiming compensation of Rs.2,00,000/= payable to Consumer Welfare Fund and Rs. 1,00,000/= towards cost. After enquiry, the judgement was delivered directing the company to pay Rs. 75,000/= as compensation and Rs. 30,000/= as cost of the proceedings.

The Life Insurance Industry in Tirunelveli district is one of the hard core parts of the service sector. The competitive climate had changed the district's insurance sector with the opening of private insurance companies over the last few years. Under such circumstances, the existence of the life insurance organization entirely depends on the consumers namely the policy holders. This necessitates the Life insurance corporation to have a consumer orientation. Inspite of this orientation consumers begin to have grievances. For the redressel of grievances, consumers have an in built mechanism as there are Grievance Redressal officers in the corporation and they can be approached and the grievances could be solved. Yet sometimes they had to resort to the District Consumer Disputes redressal Forum in Tirunelveli to get their problems solved.

The following is a such a case filed at the District Consumer Redressal Forum, Tirunvelveli as Consumer Complaint No 60/2012 filed by I Muthulakshmi wife of late S. Iyyasamy residing at 13/3, fourth street, Raja Nagar, Melapalayam, Tirunelveli against

the Branch Manager, LIC of India, Tiruchendur Branch and the Divisional Manager, LIC of India, Divisional Office, Palayamkottai, Tirunelveli.[23] The complainant was a house wife living with her two minor sons. Her husband S. Iyyasamy of Sathankulam, took LIC Profit Plus Policy from the first opposite party under policy No 323131322 and date of commencement of the policy was 21 March 2009. The complainant was the nominee of the said policy holder. The complainant's husband died on 30 April 2010 and as per the policy condition the policy holder had to pay a premium of Rupees two thousand five hundred quarterly on the months of March, June, September and December. The husband of the complainant was regular in paying the premium till he met with an road accident on 12 December 2009. He was immediately admitted at Sri Ramachandra Hospital, Porur, Chennai in a serious condition. Thereafter he could not recover from the serious condition and in spite of best treatment he succumbed to his injuries on 30 April 2010 in the same hospital after a prolonged treatment of four and half months in the hospital. He or wife, the complainant could not pay the premium for the month of March 2010. The complainant being the nominee of the policy holder was entitled to the assured amount of rupees two lakhs. The opposite parties paid the fund value of Rupees seven thousand eight hundred and ninety eight to the complainant which was baseless. The complainant sent a legal notice to the first opposite party on 13 February 2012 and he received the same on 14 February 2012. The second opposite party is the Divisional office of the first opposite party and he was added as a formal party. The complainant filed the complaint to direct the opposite parties to pay Rupees One lakh ninety two thousand one hundred and two to the complainant with interest at the rate of twelve percent per annum from 30 April 2010 till the date of payment and to pay the cost of proceedings. The second party argued that from March 2010 the premium remained unpaid. In the mean while the first opposite part received a death intimation along with death certificate , original policy, postmortem certificate , police enquiry report and claim form from the complainant. As the last premium before the death remained fully unpaid on the date of life assured's death and the policy stood in a lapsed condition and the claim was an early claim namely

[23] District Consumer Disputes Redressal Forum, Tirunelveli, Order on the consumer complaint No. 60/2012, dated 5 September 2012.

death of the life assured was within one year one month and nine days from the date of the policy. As per the terms and conditions of the policy the second opposite party sympathetically considered the claim and paid the fund value to the complainant. The sum was also accepted by her without any protest as she was well aware of the fact that she was not legally entitled to get more than that. As the claim was already settled, the claim was in fructuous. Hence the complaint was liable to be dismissed.

The counsel for the complainant relied on citation of Delhi High Court reported in 2004 (ACJ) page 1407 wherein it was held as follows. The assured met with an accident and went into coma immediately and incurred permanent disability which continued till his death. Clearly in terms of Clause 10, the liability of the assured for future premium stood waived during the continuance of this liability and additionally the LIC became liable to pay the disability installments as noted above. Hence there was no question of the policy lapsing on account of default in payment of premium. In the view of the above fact the stand taken by the LIC that the policy had lapsed on account of default in making the premium cannot be sustained. LIC a statutory corporation having monopoly of life insurance business owes a public duty to settle such claims promptly.

In the circumstances stated above, the District Forum came to the conclusion that the opposite party had committed deficiency in service by settling the claim of the complainant by paying the refund value instead of paying the assured amount and hence the complainant was entitled for the relief as prayed for and directed to settle the claim of the complainant by paying Rupees one lakh, the assured amount minus the fund value already paid to the complainant and to pay Rupees ten thousand as compensation for the mental agony and sufferings caused to the complainant and to pay Rupees three thousand towards the cost of the proceedings.

The applicability of Consumer Protection Act to Banking Sector was initially questioned in some cases. According to section 2(1)(d) of the Act, consumer is a person who hires or avails of any service for a consideration. Therefore a customer who has a bank account, a person who purchases a bank draft from a bank, a person hiring a locker facility available with a bank or a person who obtains a bank guarantee from a bank are

all consumers and can prefer complaints under the Act for deficiency in service on the part of a bank or for any other consumer problems. In the case of Vimal Chandra Grover versus Bank of India (2000 (2) CPJ 11 (SC) AIR 2000 Sc 2181), it was argued before the Supreme Court that the appellant , who took over draft facility from the bank by pledging shares was not a consumer within the meaning of Consumer Protection Act. The Supreme Court repelled the arguments of the bank and held that bank is rending service by providing overdraft facility to a customer which was not without consideration. Bank was charging interest as well as other charges in providing the service. Provision for overdraft was certainly a part of banking service and certainly fell within the meaning of service as provided in section 2 (1)(0) of the Act. Moreover in Punjab and Sind Bank versus Manpreet Singh (1994(3) CPJ 532) , it was held by the Punjab State Commission that a savings account holder of a bank was also a consumer under the Consumer Protection Act. It was observed that difference in the lending and borrowing rates is the consideration for rendering service by the bank. It was also observed that even if the bank did not charge for providing cheque facility to the account holder, it cannot be said that the same is given without consideration. Actually the cheque book facility is obtained by the depositor in consideration of depositing some funds at the disposal of the bank.

In this case the complainant had succeeded at the District Forum level and it was Challenged in the State Consumer Forum by the opposite party. The complainant was S.Ruban residing at 1/258 Fifth Cross street Santhi Nagar, Palayamkottai. The complainant obtained a loan to pay his semester fees by LIC. The amount was sent as a cheque to be payable in the second opposite party bank namely Indian Overseas Bank Tiruchendur. The complainant presented the cheque in his account with the first opposite party namely the Central Bank of India, Samadhanapuram, Palayamkottai. He verified with the first opposite party daily whether the amount was credited to his account. Since the amount was not credited to his account till 17 December 2007, the complainant borrowed money to pay for his college fees. On 5 February 2008 the first opposite party informed him that the amount was credited. The complainant alleged deficiency in service against the first and second opposite party for the delay from 8 December 2007 to 5 February 2008 and prayed for relief. The District Forum after going through the records and submissions by the parties passed an order concluding that the delay was caused

because of deficiency in service on the part of the second party in honouring the cheque within the prescribed time and also in sending the advice to a wrong branch and so directed the second opposite party to pay a compensation of Rupees twenty five thousand and Rupees five thousand as costs relieving the first opposite party from all liability. The complaint against the first opposite party was dismissed. Aggrieved by this order the second opposite party preferred an appeal before the State Consumer Redressal Commission, Chennai. It concluded that the first opposite party had immediately cleared the cheque on 10 December 2007. The delay was only on the part of the second opposite party whose contention that Central Bank of India should have been impleaded as party is devoid of any merit when they admitted that it was sent by them wrongly to another bank. The cheque was finally credited on 4 February 2008. The delay was fifty six days due to the negligence of the appellant, namely Indian Overseas Bank, Tiruchendur after deducting fourteen eligible days. It was concluded that there was deficiency in service on the part of the appellant. But the complainant had not proved how he was entitled to a huge amount for his claim for mental agony. The District Forum had erroneously awarded Rs 25000/= for a cheque value of Rs 7231/= and the State Forum was not ready to blindly endorse the view of the District Forum and so the appeal was partly allowed to the extent of reducing the compensation from Rs.25000/= to Rs 5000/= and cost from Rs 5000/= to Rs 2000/=. [24]

The following is a consumer case relating to the problems in the supply of gas filed by Madanagopal son of Paulraj residing at 55/1 north street Sivashunmugapuram, Kalakadu Tirunelveli district against Bharat Gas Distributor, Mangalam gas Agencies, Eruvadi as first opposite party and Bharat Petroleum Corporation Limited Mumbai. The complainant was a consumer under the first opposite party with consumer No 15723. He had registered with the first opposite party for the supply of gas cylinder on 12 October 2011. The first opposite party had not supplied cylinder before Deepavalli namely till 24 October 2010. Hence the complainant approached the first opposite party in person and requested the first opposite party to supply gas cylinder immediately but the first

[24] State Consumer Disputes Redressal Council, Chennai, Order on the Appeal No. 281/2010, dated 12 January 2012.

opposite party refused to supply the gas cylinder. The complainant had sent a legal notice on 9 November 2011. Yet the first opposite party did not supply the gas cylinder. The complainant was left with no other alternative except to cook using fire woods and kerosene. Hence the complainant had filed this complaint to direct the opposite part to supply gas cylinder to the complainant immediately for his registration dated 12 October 2011 and to pay Rupees five lakhs as compensation for the mental agony and sufferings caused to him and to pay Rupees five hundred towards the cost of kerosene and fire woods purchased by the complainant because of the delay caused in supplying the gas cylinder and to pay Rupees five thousand toward the cost of the proceedings. The first opposite party had stated that an attempt was made by the complainant on 24 October 2011 under bill No 9754 for the registration made by the complainant on 12 October 2011. Then the salesman found that no empty gas cylinders with serial numbers supplied by the first opposite party were available in the complainant's house. When the salesman enquired regarding this, the complainant threatened him that he was a Central Government servant and he was not entitled to ask such question and his duty was only to supply the gas cylinder after receiving the cash and empty gas cylinder. Hence the salesman did not supply the gas cylinder on 24 October 2011 and after this the first opposite party visited the complainant's house for spot inspection on 25 October 2011. Since the empty gas cylinders with the serial number on them as supplied by the first opposite party were not available in the complainant's house , the first opposite party returned back after making an endorsement in the blue book of the complainant. But the no cancelled cash memo dated 24 October 2011 had been filed before the District Forum. Hence the contention of the opposite parties that the salesman went to the complainant's house to supply gas cylinder on 24 October 2011 was not proved. Moreover the complainant had not produced anything about the inspection made by the first opposite party. Hence both the opposite party and the complainant had not come before the Forum with clean hands.[25] Although the Forum came to the conclusion that the complaint was allowed and the complainant was entitled for the relief as prayed for but it was not

[25] District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No. 28/2012, dated 18 September 2012.

inclined to give any compensation to the complainant and the opposite party is directed to pay Rs 3000/= towards the cost of the proceedings.

As per Consumer Protection Act there must be a District Consumer Protection Council in each district headed by the District Collector. The District Supply and Consumer Protection Officer is the secretary of the Council. Two members from the consumer organizations, a lady social worker, a member from the Chamber of Commerce, Two Members of Legislative Assembly, a Member of Parliament, Two Panchayat Presidents, Two Union Chair Persons and the District Panchayat President constitute the Council. The term of the Council will be three years. The Council will meet once in six months to discuss the issues affecting the consumers and take suitable actions. In Tirunelveli the District Protection Council lastly met on 20 December 2012.[26] The Council was constituted in Tirunelveli in 1993 when R.Jeyaraman , I.A.S. was the District Collector. The Council took up two issues against cinema theatres. Charging of Rupees two for the parking of cycles was enforced by the theatre owners against the Cinematograph Act. The Council strongly ordered the theatres not to collect parking charges. The canteens inside the cinema theatres were selling the packaged commodities at a rate higher than the MRP. The Council instructed the Labour Department to conduct surprise raids and consequently the menace was curtailed.

Moreover it was reported that a Circuit Bench of State Commission had been constituted at Madurai by the Government for speedy disposal of cases within the period of three months as envisaged under Consumer Protection Act 1986 and also for the convenience of consumers in the southern districts.[27]

Speaking to Augustine [28] about the usefulness of consumer forum, it was found that disputes do arise during the performance of business contracts. There is a need to narrow down areas of conflict and to bring it into the Consumer forum and the dispute can be easily solved through this method. There is saving of time and it is easy to use. It can be a good method to resolve consumer disputes. He said that the consumer

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[26] Minutes of the meeting of District Protection Council, Tirunelveli, dated 20 December 2012.
[27] Personal Interview with Bashyam, Chairman , FEDCOT, dated 22 February 2011.
[28] Personal Interview with Augustine, B., Vice-President, Tirunelveli District Consumer Rights Protection Society, dated 8 February 2011.

consciousness came into existence after the enactment of Consumer Protection Act, 1986. But every law perishes as the faith in justice delivery system is not made and there arises a need to for an alternative method. This is what is being done by Department of Consumer Affairs as there is delay and pendency in consumer forum. The persons heading the law should have protected the interest of the consumer forum at any cost. The forum are required to protect the interest of consumers at whatever cost it may be. The law provides each and every aspect of consumer protection has to be provided for by the trader and service providers. Consumer has to be compensated and given redressal within few months. When the courts failed the people moved towards the consumer fora for quick and inexpensive justice. At the Tamilnadu level the consumer activities of Tirunelveli is very appreciated and recognized.[29]

In Tirunelveli, the consumer movement as a social force originated with the necessity of protecting and promoting the interests of consumers against unethical and unfair trade practices. Problems such as food shortage, hoarding, black marketing, adulteration of food-products, high prices, etc. gave birth to the consumer movement in an organized form in the 1960s. At the initial stage, consumer organizations were largely engaged in writing articles and holding exhibitions. Then they formed consumer groups to look into the malpractices in ration shops and controlling of overcrowding in the bus transport. More, recently, Tirunelveli witnessed an upsurge in the number of consumer groups. This is because of more and more cases of consumer exploitation by the private traders. The activities of various consumer forums have gained momentum with the enactment of the Consumer Protection Act,1986 , popularly known as the COPRA by the government.

Right to Information is a Basic Human Right. According to this Act all citizens shall have the Right to freedom of speech and expression which shall include the freedom of the press and other media, the freedom to hold opinions and to seek receive and impart information and ideas. In a democracy, government is of the people, by the

[29] Personal Interview with B.Augustine, Vice-President, Tirunelveli District Consumer Rights Protection Society, dated 8 February 2011.

people and for the people.[30] The demand for openness in the democratic form of government is based principally on two reasons. It is now widely accepted that democracy does not consist merely in people exercising their franchise once is five years to choose their rulers and, once the vote is cast, then retiring in passivity and not taking any interest in the government. Today it is a common ground that democracy has a more positive content and its orchestration has to be continuous and pervasive. This means *inter alia* that people should not only cast votes rationally and intelligently but should also exercise sound judgment on the conduct of the government and the merits of public policies so that Indian democracy does not remain merely a sporadic exercise in voting but becomes a continuous process of governance – an attitude and habit of mind. But this important role people can fulfill in a democracy only if it is an open government where there is full access to information with regard to the functioning of the government.

Where a society has chosen to accept democracy as its creedal faith, it is elementary that the citizens ought to know what their government is doing. The citizens have a right to decide by whom and by what rules they shall be governed and they are entitled to call on those who can survive without accountability, and the basic postulate of accountability is that the people should have information about the functioning of government. It is only if people know how government is functioning that they can fulfill the role which democracy assigns to them and make democracy a really effective participatory democracy. Knowledge will forever govern ignorance and a people who meant to be their own governors must arm themselves with the power knowledge gives. A popular government, without popular information or the means for obtaining it, is but a prologue to force or tragedy or perhaps both. The citizens' right to know the facts, the true facts, about the administration of the country is thus one of the pillars of a democratic State. And that is why the demand for openness in the government is increasingly growing in different parts of the world.

There is also in every democracy a certain amount of public suspicion and distrust of government, varying, of course, from time to time according to its performance, which prompts people to insist upon maximum exposure of its functioning. It is axiomatic that

[30] Antony, M.J.,o*p. cit*.,p.106.

every action of the government must be actuated by public interest but even so we find cases, though not many, where government action is taken not for public good but for personal gain or other extraneous considerations. Sometimes governmental action is influenced by political and other motivations and pressures, and, at times, there are also instances of misuse or abuse of authority on the part of the executive. Now, if secrecy were to be observed in the functioning of government and the processes of government were to be kept hidden from public scrutiny, it would tend to promote and encourage oppression, corruption and misuse or abuse of authority, for it would all be shrouded in the veil of secrecy without any public accountability. But if there is an open government with means of information available to the public, there would be greater exposure of the functioning of government and it would help to ensure better and more efficient administration. It has been truly said that an open government is clean government, and is a powerful safeguard against political and administrative aberration and inefficiency.

The freedom of speech and expression includes right to acquire information and to disseminate it. Freedom of speech and expression is necessary for self-fulfillment. It enables people to contribute to debates on social and moral issues. It is the best way to find a truest model of anything, since it is only through it that the widest possible range of ideas can circulate. It is the only vehicle of political discourse so essential to democracy. Equally important is the role it plays in facilitating artistic and scholarly endeavours of all sorts. The purpose of the press is to advance the public interest by publishing facts and opinions without which a democratic electorate cannot make responsible judgments. Freedom of expression has four broad social purposes to serve:[31] it helps an individual to attain self-fulfillment; it assists in the discovery of truth; it strengthens the capacity of an individual in participating in decision-making; and it provides a mechanism by which it would be possible to establish a reasonable balance between stability and social change. All members of society should be able to form their own beliefs and communicate them freely to others. In sum, the fundamental principle involved here is the people's right to know. Freedom of speech and expression should, therefore, receive a generous support from all those who believe in the participation of people in the administration.

[31] *Ibid.*, pp.124-130.

The right to impart and receive information is a species of the right of freedom of speech and expression guaranteed by Article 19(1) (a) of the Constitution. A citizen has a fundamental right to use the best means of imparting and receiving information and as such to have an access to telecasting for the purpose. However, this right to have an access to telecasting has limitations on account of the use of the public property. In modern constitutional democracy, it is axiomatic that citizens have a right to know about the affairs of the Government which having been elected by them, seeks to formulate sound policies of governance aimed at their welfare. However, like all other rights even this right has recognized limitations; it is, by no means, absolute. The concept of an open Government is the direct emanation from the right to know which seems to be implicit in the right of free speech and expression guaranteed under Article 19(1) (a). Therefore, disclosure of information in regard to the functioning of the Government must be the rule and secrecy an exception. To conclude, right to information is a basic human right and even Article 19 of the International Covenant on Civil and Political Rights (ratified in 1978)[32] declares that everyone has the right to freedom of opinion and expression: the right includes freedom to hold opinion without interference, and to seek, and receive and impart information and ideas through any media and regardless of frontiers. The Supreme Court of India while interpreting Article 19(1) (a) of Constitution of India held that the right to information is a facet of the freedom of speech and expression as contained in Article 19(1) (a) of the Constitution of India. Right of information, thus, indisputably is a fundamental right, a basic human right.[33]

The history of legislation of the Right to Information Act begins with the framing of the Indian Constitution.[34] The concept of democracy in India is enshrined in the Preamble to the Constitution of India wherein opening words provide that "We, the People of India", and in the end it lays down "give to ourselves this Constitution". The citizens have the fundamental right to know what the government is doing in its name. Freedom of speech is the lifeblood of democracy. The free flow of information and ideas informs political debate. It is a safety valve; people are more ready to accept decisions

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[32] Sieghart Paul , *The International Law of Human Rights,* Oxford, 1983, p. 25.
[33] Supreme Court of India, Judgement on Writ Petition (civil) No 210/2012, pp.1-13.
[34] Government of India, Ministry of Law and Justice (Legislative Department) *Guide to the Right to Information Act 2005*, New Delhi, 2006. pp.7-15.

that go against them if they can in principle seek to influence them. It acts as a brake on the abuse of power by public officials. It facilitates the exposure of errors in the governance and administration of justice in the country. With the globalization of trade and industry and well knit world today, the disclosure of information – may be of the purity, potency and price of commodities in the market or the functioning of the government is necessary and for this purpose various Conventions have been held at national and international levels, which suggested imparting of the information qua the working of the government to its citizens subject to some restrictions beings imposed by the law in the interest of security of the country etc.

In this behalf, provisions were made in various Acts passed by the legislature for imparting information to the citizens from time to time. Sections 74 to 78 of the Indian Evidence Act, give right to the person to know about the contents of the public documents and in this connection section 76 of the Indian Evidence Act lays down that the public officials shall provide copies of public documents to any person, who has the right to inspect them. Under the Factories Act, compulsory disclosure of information has to be provided to factory workers regarding dangers including health hazards arising from their exposure to dangerous materials and the measures to overcome such hazards. Under section 25(6) of the Water (Prevention and Control of Pollution) Act, every state is required to maintain a register of information on water pollution and it is further provided that so much of the register as relates to any outlet or any effluent from any land on premises shall be open to inspection at all reasonable hours by any person interested in or affected by such outlet, land or premises. Under section 33A of the Representation of the People Act, a candidate contesting elections is required to furnish in his nomination paper the information in the form of an affidavit concerning accusation of any offence punishable with two or more years of imprisonment in any case including the framing of charges in pending cases and conviction of an offence and sentence of one or more than one year imprisonment.

It is not out of place to mention here that the Justice V.R. Krishna Iyer, former Judge of Supreme Court of India and an eminent jurist and philosopher had taken up the matter regarding right to information to the citizens with the then Prime Minister of India

in his open letter dated 26 December, 1989, in which it was categorically highlighted that the right to know and the freedom of information are inalienable components of the freedom of expression and participation in public affairs, which Constitution confers on every citizen of the country.[35] Accepting this postulate, some things require to be done immediately so that the credibility of the Indian community in the changed ethos of open government may be created.

Para 6.10.1 of the Report of National Commission for Review of Working of the Constitution (NCRWC) under the Chairmanship of Justice M.N. Ventatachaliah recognized the right to information wherein it is provided that major assumption behind a new style of governance is the citizen's access to information.[36] Much of the common man's distress and helplessness could be traced to his lack of access to information and lack of knowledge of decision-making processes. He remains ignorant and unaware of the process which virtually affects his interest. Government procedures and regulations shrouded in veil of secrecy do not allow the litigants to know how their cases are being handled. They shy away from questioning officers handling their cases because of the latter's snobbish attitude and bow-wow style. Right to information should be guaranteed and needs to be given real substance. In this regard government must assume a major responsibility and mobilize skills to ensure flow of information of citizens. The traditional insistence on secrecy should be discarded. In fact, we should have an oath of transparency in place of an oath of secrecy. Administration should become transparent and participatory. Only then it is possible to minimize the manipulative and dilatory tactics of the present day and can exert pressure and place a check on graft and corruption.

During the last decade, the right to information has got such a momentum as never before and on the civil societies side also some organizations, social activists and individuals did excellent work in this field. The Mazdoor Kissan Shakti Sangathan (MKSS), established in 1990, has done a great job in the field of right to information in

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[35] Gupta, R.K., and Saini, P.K., *Right to Information Act 2005, Implementation and Challenges*, New Delhi, 2009, p.132.

[36] Report of National Commission for Review of Working of the Constitution, New Delhi, 2012, pp.145-150.

rural India and its struggle for minimum wages and to get the information regarding muster rolls being maintained ultimately led the Government of Rajasthan to enact Right to Information Acts, viz. The Tamil Nadu Right to Information Act, 1997; The Goa Right to Information Act, 1997; The Karnataka Right to Information Act, 2000; The Rajasthan Right to Information Act, 2000; The Assam Right to Information Act, 2001; The Delhi Right to Information Act, 2001; The Orissa Right to Information Act, 2002; The Maharasthra Right to Information Act, 2003 and The Jammu and Kashmir Right to Information Act, 2004.

The Freedom of Information Act, 2002 (5 of 2003) was enacted by the Government of India to provide for freedom to every citizen to secure access to information under the control of public authorities, consistent with public interest, in order to promote openness transparency and accountability in administration and in relation to matters connected therewith or incidental thereto.[37] The Statement of Objects and Reasons appended to the Freedom of Information Act, 2002 laid down that the Freedom of Information Bill sought to achieve the following objects:

The need to enact a law on right to information was recognized unanimously by the Chief Ministers Conference on 'Effective and Responsive Government' held on 24 May, 1997 at New Delhi.[38] In its thirty eighth Reports relating to Demands for Grants of the Ministry of Personnel, Public Grievances and Pension, the Parliamentary Standing Committee on Home Affairs recommended that the Government should take measures for enactment of such legislation.

In order to make the Government more transparent, and accountable to the public, the Government of India appointed a Working Group on Right to information and Promotion of Open and Transparent Government under the Chairmanship of H.D. Shourie. The working group was asked to examine the feasibility and need for either full-fledged Right to Information Act or its introduction in a phased manner to meet the needs of open and responsive governance and also to examine the frame work of rules with

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[37] *Analysis of the Indian Freedom of Information Act 2002 & Recommendations for Amendments,* Commonwealth Human Rights Initiative, New Delhi, 2004, p.5.

[38] Gupta, R.K., and Saini, P.K., *op.cit.,* p.145.

reference to the Civil Services (Conduct) Rules and Manual of Office Procedure. The said Working Group submitted its report in May 1997 along with a draft Freedom of Information Bill to the Government. The working Group also recommended suitable amendments to the Civil Services (Conduct) Rules and the Manual of Departmental Security instructions with a view to bring them in harmony with the proposed Bill.

The draft Bill submitted by the Working Group was subsequently deliberated by the Group of Ministers constituted by the Central Government to ensure that free flow of information was available to the public, while inter alia, protecting the national interest, sovereignty and integrity of India, and friendly relations with foreign States.

The proposed Bill was in accord with both Article 19 of the Constitution as well as Article 19 of the Universal Declaration of Human Rights, 1948.[39] In our present democratic frame work, free flow of information for the citizens and non-Government institutions suffered from several bottlenecks including the existing legal frame-work, lack of infrastructure at the grass root levels and an attitude of secrecy within the Civil Service as a result of the old frame work of rules. The Government proposed to deal with all these aspects in a phased manner so that the Freedom of Information Act became a reality consistent with the objective of having a stable, honest, transparent and efficient Government.

It was envisaged that the proposed Bill will enable the citizens to have an access to information on a statutory basis. With a view to further this objective, clause 3 of the proposed Bill specified that subject to the provisions of this Act, every citizen shall have right to freedom of information. Obligation was cast upon every public authority under clause 4 to provide information and to maintain all records consistent with its operational requirements duly catalogued, indexed and published at such intervals as may be prescribed by the appropriate Government or the competent authority.

However, with the passage of time, it was found that even this Act did not fulfill the aspiration of the citizens of India. In order to ensure greater and more effective access to information, it was thought that the Freedom of Information Act, 2002 must be made

[39] Ibid.

more progressive, a participatory and meaningful.[40] In view of the significant changes proposed in the existing Act, the government decided to repeal the Freedom of Information Act and in the proposed legislation to provide an effective frame-work for effectuating the right to information. Thus, the Right to Information Act, 2005, which came into force in India in totality with effect from 12 October, 2005 is regarded as a milestone in the history of social legislation to impart information to citizens of India regarding working of the government and its corporations etc. to make them more transparent as a result of which corruption, it not eliminated at all, would be checked to a greater extent.[41]

The preamble to the Right to Information Act, 2005 lays down that whereas the constitution of India has established democratic Republic; and whereas democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed; and whereas revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information and whereas it is necessary to harmonise these conflicting interests while preserving the significance of the democratic ideal and, therefore, it is expedient to provide for furnishing certain information to citizens who desire to have it. It is not out of place to mention here that most of the problems today are the result of non-observance of moral values by the younger generations after the independence which have prompted them to make money by fair or foul means. The absence of availability of information on the working of the government generally generate corruption and nepotism and, therefore, the enactment of this Act is an important milestone in furtherance of the democratic process whereby it shall be possible for the citizens to get information on all important issues and decisions affecting them and thereafter to adjudge the performance of the government, which they elected, for themselves.

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[40] Ibid.

[41] *Ibid*., pp.67-70.

In a democracy like ours, people and not the government is supreme. It is in these circumstances that every citizen of country has a right to know what the government is doing in its name to adjudge the performance of the government by getting information on each and every decision being taken by the government. This right of information is, however, subject to certain limitations and conditions, which can be imposed by the government under law in the interest of the security and integrity of the country.[42] The voice of the public to get information from the government got momentum during the last decade and various state Governments enacted Right to Information Acts in the years 2000-2002, which were applicable in the respective States. The Freedom of Information Act, 2002 was enforced. However, with the passage of time, it was found that even this Act did not fulfill the aspiration of the citizens of India. In order to ensure greater and more effective access to information, it was thought that the Freedom of Information Act, 2002 must be made more progressive, participatory and meaningful and accordingly National Advisory Council suggested certain important changes to be incorporated in the Act to ensure greater access to information and after examining the suggestions of National Advisory Council and the public, the Government of India decided that in view of the significant changes proposed by the National Advisory Council and others, the Freedom of Information Act, 2002 should be repealed and to enact another law for providing effective freedom qua the right to information and thus, the Right to Information Act, 2005 has been enacted by the Parliament, which is considered as a landmark step in the field of fundamental right of life and liberty guaranteed under Article 19 of the Constitution of India.

The Right to Information Bill was passed by Lok Sabha on 11 May 2005 and by Rajya Sabha on 12 May, 2005 and it received assent of the President of India on 15 June 2005 and has come on the statute book as the Right to Information Act, 2005 (22 of 2005).[43] This Act, therefore, is the outcome of efforts of Civil Social Organizations, Peoples' Movements and the suggestions of the National Advisory Council set up to monitor the promises made by the U.P.A. Government in its Common Minimum Programme because one of the promises of the U.P.A. Government was to make the right

[42] Ibid.
[43] *Ibid*., pp.5-10.

to information more participatory, progressive and meaningful. This Act is applicable to the whole of India except Jammu & Kashmir. However, Jammu & Kashmir has passed the Jammu and Kashmir Right to Information Act, 2004. As per section 1(3) of the Right to Information Act, the provisions of sub-section (1) of section 4, sub-sections (1) and (2) of section 5, section 12, 13, 15, 16, 24, 27 and 28 shall come into force at once, and the remaining provisions of this Act shall come into force on the one hundred and twentieth day of its enactment. Therefore, the entire Act came into force with effect from 12 October 2005.[44]

The preamble to the Right to Information Act, 2005 lays down that whereas the Constitution of India has established democratic Republic; and whereas democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold governments and their instrumentalities accountable to the governed; and whereas revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information and whereas it is necessary to harmonize these conflicting interests while preserving the paramount of the democratic ideal and, therefore, it is expedient to provide for certain information to citizens who desire to have it. It sets out the following objectives to be achieved through the Right to Information Act:[45] It aimed at setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities in order to promote transparency and accountability in the working of every public authority through the constitution of a Central Information Commission and State Information Commissions.

The importance of Right to Information can be judged from the report of National Commission to Review the Working of Constitution under the Chairmanship of Justice M.N. Venkatachaliah.[46] Major assumption behind a new style of governance is the

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[44] Lajapathi Rai, *Right to Information Act*, 2005, p.78.
[45] Ibid.

[46] *The New Indian Express*, Judicial Reforms can not Ignore Public Perceptions, dated 28 October 2012.

citizen's access to information. Much of the common man's distress and helplessness could be traced to his lack of access to information and lack of knowledge of decision-making processes. He remains ignorant and unaware of the process which vitally affects his interest. Government procedures and regulations shrouded in veil of secrecy do not allow the clients to know how their cases are being handled. They shy away from questioning officers handling their cases because of the latter's snobbish altitude and bow-wow style. Right to information should be guaranteed and needs to be given real substance. In this regard government must assume a major responsibility and mobilize skills to ensure flow of information to citizens. The traditional insistence on secrecy should be discarded. In fact, we should have an oath of transparency in place of an oath of secrecy. Administration should become transparent and participatory with the Right to minimizing manipulative and dilatory tactics of the babudom, and, last but most importantly putting a considerable check on graft and corruption.

Democracy means government of the people, by the people and for the people. However, if the citizens are ignorant of the decisions taken by the government and reasons advanced for the same, there can be no government by the people. The public has a fundamental right to know what the government has been doing in its name. The address of the Prime Minister Dr. Manmohan Singh in the Lok Sabha on the Right to Information Bill on 10 May 2005 emphasized the following points. [47] Freedom of expression constitutes one of the essential foundations of society. The fundamental right of free expression and imparting information has been recognized at common law of England for many years. The freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and each individual's self fulfillment. Subject to Article 10(2) of Rome Convention it is applicable not only to information or ideas that are favourably received or regarded as inoffensive or as a matter of difference, but also to these that offend shock or disturb. Such are demands of that pluralism, tolerance and broadmindedness without which there is no democratic society.

[47] *The Hindu*, Prime Minister Addresses Lok Sabha on the Right to Information Bill, dated 11 May 2005.

Thus, Right to information would lead to openness in the administration as the citizens would get information about various issues and would, thus, promote transparency in the Government, increasing the efficiency of the Government by making officers accountable and ultimately reducing the corruption, if not eliminating the same totally. The freedom of speech and expression is a right given to every citizen of this country and not merely to a few. Freedom of speech and expression is basic to and indivisible from a democratic polity. It encompasses freedom of press. It includes right to impart and receive information. The right of free speech and expression includes the right to receive and impart information. For ensuring the free speech right of the citizens of this country, it is necessary that the citizens have the benefit of plurality of views and a range of opinions on all public issues. A successful democracy posits an aware citizenry. Diversity of opinions, views, ideas and ideologies is essential to enable the citizens to arrive at informed judgment on all issues touching them.

After the enactment of the Right to Information Act, a few questions of the following type were constantly raised. It was raised whether section 22 of Right to Information Act had any overriding effect on the provision of the Consumer Protection Act. It was discussed whether section 23 of RTI ousted the jurisdiction of the Consumer Forum. The last and the most important issue was whether the complainant was a consumer who hires or avails the service for consideration. [48]

The National Commission had held in the case of S.P.Thirumalai Rao vs Municipal Commissioner of Mysore Corporation reported in III (2012) Consumer Protection Journal page 72 that section 22 of RTI Act did not have any overriding effect on the Consumer Protection Act 1986. On the question of bar of jurisdiction of courts the National Commission had held that section 3 of the Consumer Protection Act provided an additional remedy that the bar of jurisdiction under this section was only against the courts as also in respect of the order made under the act but in this case the averment of the complainant is that the opposite party had not passed any order on account of which the question of bar of jurisdiction did not arise. The National Commission had held in

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[48] District Consumer Disputes Redressal Forum Tirunelveli, Order on the Consumer Complaint No. 186/2012, dated 28 March 2013.

the above case that the complainant had availed of services under the said Act for consideration by paying fee and had sought information under the said act which was not supplied to him which amounted to deficiency of service. The complainant is thus a consumer visa-avis information sought on payment under the said Act.

At the same time in the case of T.Pundalika vs Revenue Department (Service Division) Government of Karnataka in R.P. No. 4061/ 2010 in which the Karnataka State Commission had held that the complainant cannot be considered as a consumer as defined under Consumer Protection Act since there was a remedy available for the complainant to approach the appellate authority under section 19 of the RTI Act of 2005.[49] The National Commission had agreed with the above view taken by the State Commission and they had held that the petitioner was not eligible to claim as a consumer under Consumer Protection Act. The National Commission had held the above view since there was a remedy available for the complainant to approach the appellate authority and therefore the complainant cannot be claimed to be a consumer.

The Supreme Court had held in the case of National seeds Corporation Ltd vs M. Madhusudhan Reddy and another reported in (2012) 3 MLJ page 166 (SC) that the remedy of arbitration was not the only remedy available to the consumer. Rather it was an optional remedy. He was eligible either to seek reference to an arbitrator or file a complaint under the Consumer Protection Act. If the complainant opts for the remedy of arbitration then it may be possible to say that he cannot subsequently file complaint under the Consumer Protection Act. However if he chooses to file a complaint in the first instance before the competent Consumer Forum, then he cannot be denied relief by invoking section 8 of the Arbitration and Conciliation Act 1996. Moreover the plain language of Section 3 of the consumer Act made it clear that the remedy available in that Act was in addition to and not in derogation of the provisions of any other law for the time being in force. On the same analogy if appeal provision was available in the Act the complainant cannot be compelled to file a complaint before the appellate authority since

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[49] Karnataka State Consumser Redressal Commission, T.Pundalika vs Revenue Department (Service Division) Government of Karnataka in R.P. No. 4061/ 2010.

under section 3 of the Consumer Protection Act the remedy was available in addition to and not in derogation of the provisions of any other law for the time being in force.

The Supreme Court had also held in the case of Trans Mediterranean Airways vs Universal Exports reported in 2011(8) MLJ page 570 that the protection provided under Consumer Protection act to consumers is in addition to the remedies available under any other statute. It did not extinguish the remedies under another statute but provided an additional or alternative remedy.

In the case of Skypay couriers Limited Vs Tata Chemicals Limited reported in 2000 (3) MLJ page 74 the Supreme Court had held that even if there existed an arbitration clause in an agreement and a complaint is made by the consumer , in relation to a certain deficiency of service , then the existence of an arbitration clause will not be a bar to the entertainment of the complaint by the Redressal Agency, constituted under the Consumer Protection Act, since the remedy provided under the Act is in addition to the provisions of any other law for the time being in force.

In the case of secretary, Thirumurugan Co-operative Agricultural Credit Society Versus M. Latha reported in 2004 (IV) MLJ page 94 , the Supreme Court had held that the trend of the decisions of this Court is that the jurisdiction of the Consumer Forum should not and would not be curtailed unless there was an express provision prohibiting the Consumer Forum to take up the matter which falls within the jurisdiction of civil court or any other Forum as established under some enactment. The above observation of the Supreme Court made it clear that even if there was another remedy available for the complainant to approach the appellate authority, the Forum cannot direct him to approach the appellate authority and there was no bar in taking the case on file by the Consumer Forum.

Quite a number Cases relating to Right to Information Act had been filed in the Consumer Redressal Forums. J Eskalin daughter of John Bosco of Door No 30/ 58/2 Theerspuram had filed a consumer complaint No 186/2012 on 17 October 2012 at the

District Consumer Disputes Redressal Forum of Tirunelveli against the Public Information Officer , Divisional Engineer (Maintenance) Highways, Tirunelveli.[50]

The Complaint sent a petition under RTI Act seeking some information and certified copies regarding the laying of a four way track road and encroachment removal and some other particulars on 25 August 2012. The complainant had filed the above petition to get information from the opposite part to file Public Interest Litigation. The opposite party received the above petition on 25 August 2012. But he did not provide any information to the complainant even after the expiry of thirty days stipulated period. Hence he had committed deficiency in service which had caused mental agony and sufferings to the complainant. Hence the complainant had filed this complaint to direct the opposite party to furnish the information as sought for by the complainant in his petition dated 25 July 2012 and to pay Rs 25000/= as compensation for the mental agony and sufferings caused to him and to pay the cost of the proceedings.

The averments in the counter of the opposite party were as follows. The complaint is not maintainable either in law or on facts. It was true that the petition of the complainant seeking information dated 25 July 2012 was received by the opposite party on 27 July 2012. And the opposite party had provided the necessary information to the complainant in his office letter No 3677/2012/ E.Va. Aa2/ dated 24 September 2012. Hence the opposite party had not committed any deficiency in service. As per section 19)1) of the RTI Act 2005 any person who did not receive a decision within the stipulated time can prefer an appeal to the appellate authority. Further as per section 19(3) a second appeal would lie to the state Information Commission . In this case, the complainant had not exhausted the remedies available under the RTI Act, hence the complaint is not maintainable before this Forum. Section 22 of RTI Act provides overriding effect to the Act over any other law for the time being in force. Section 23 of the RTI Act 2005 provided that no court shall entertain any suit , application or other proceedings in respect of any order made under the RTI Act 2005 and No such order shall be called in question otherwise than by way of appeal. Moreover as per section 2(d) of the Consumer

[50] District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No.186/2012, dated 17 October 2012.

Protection Act, 1986 consumer means a person who hires or avails of any service for consideration . Since the opposite party had furnished the particulars within the statutory period of thirty days had had not committed any deficiency in service. Hence the complaint was liable to be dismissed.

Moreover the counsel for the opposite party had argued that in some cases relating to the Right to Information Act, the Madurai Branch of the Madras High Court had stayed the proceedings of this Forum under article 226 of the Constitution of Indian on the ground that the complainants are having alternate remedy of filing appeal before the statutory authority. The Supreme Court also held in the case of Cisily Kallarackal versus Vehicle factory reported in 2012(VI) CTC page 217 that the order passed by the National Commission were incapable of being questioned under the Writ jurisdiction of the High Court as a statutory appeal in terms of section 27 (a) would lie to the Supreme Court. On the same analogy since statutory appeal lies on the orders passed by the District Forum to the state Commission and then to the National Commission the writ jurisdiction of the High Court under article 226 of the Constitution of Indian cannot the exercised.

In the above circumstances, the District Forum came to the conclusion that the complainant was a consumer as per the provisions of the Consumer Protection Act.[51] And just because there was appeal provision in the Right to Information Act, the complainant was not barred to file a case before the Consumer Forum since under section 3 of the Consume Protection Act the remedy available to a consumer is an optional remedy and it was in addition to and not in derogation of the provisions of any other law for the time being in force. The complainant had specifically stated that he had not received the particulars from the opposite party even after thirty days of stipulated period and he has also stated in his proof affidavit that he had not received any particulars dated 24 September 2012 from the opposite party. Hence it was for the opposite party to prove that he had sent the particulars to the complainant by acceptable means. Therefore the District Forum came to the conclusion that the opposite party had not furnished the particulars as alleged by him and he had committed deficiency in service and the complainant is

[51] Ibid.

entitled for the relief as prayed for. In the result the complaint is allowed and the opposite party is directed to furnish the information as sought for by the complainant and to pay Rupees fifteen thousand as compensation for the mental agony and sufferings caused to the complainant and to pay Rs 3000/= towards the cost of the proceedings within a period of two months from the date of this order, failing which the complainant is at liberty to execute this order under section 25 and 27 of the Consumer Protection Act 1986.[52]

This is also a case with regard to the consumers' Right to Information. Arunachalam of Kothaicheri , Nanguneri Taluk filed the Consumer Complaint No 59/2012 against the Public Information Officer, Tirunelveli District Co-operative Bank Limited, Vannarpettai, Tirunelveli.[53] The complainant is a retired staff of District Co-operative Bank, Tirunelveli. He filed a petition before the Labour Court Tirunelveli in ID No. 30/1996 and obtained an order in favour of him on 21 April 2010. To claim the arrears of salary based on the above orders, he filed a petition before the opposite party on 15 April 2011 seeking information under RTI Act. But the opposite party had not furnished the particulars even after the expiry of 30 days statutory period. With the result the complainant could not claim his arrears of pay. The act of the opposite party amounts to deficiency in service and the complainant filed this complaint to direct the opposite party to furnish particulars and to pay Rs.1,00,000/= as compensation for the deficiency in service and to pay Rs.50,000/= as compensation and Rs.5000/= as cost of the proceedings. After enquiry , the deficiency in service was confirmed and the complaint was allowed and the opposite party was directed to furnish the particulars as sought by the complainant and to pay Rs.10,000/= as compensation and Rs.3000/= towards the cost of the proceedings.

It is very much significant to note that National Consumer Disputes Redressal Commission, New Delhi had given a verdict in the revision petition No 1017 of 2002 filed from the order dated10 April 2002 in OP No.104/00 of the State Commission, Tamil Nadu in

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[52] Ibid.
[53] District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No. 59/2012, dated 28 December 2012.

the matter of Authorized Representative of the Parties.[54] Another revision petition of No 1003 of 2002 was filed by the Voluntary Organization in Interest of Consumer Education (VOICE) against the Registrar Tamilnadu state Consumer Disputes Redressal Commission. One more revision petition of No 1149 of 2002 was filed by Tamilnadu Consumer Welfare Centre against Mrs Madhavi and Others. With regard to the same matter, one more revision petition of No 1627 of 2002 was filed by the Citizen Consumer and Civic Action Group against the Chairman, Apollo Hospital and others.

A complaint was filed before the State Commission by the widow mother and two minor children of deceased K.N. Subramanian. The complaint relates to medical negligence of Dr. Rangabashyam and the Apollo Hospital Chennai. The complaint was filed through N. Chandrasekaran as an authorized agent.[55] He is the Secretary of Consumer Welfare Foundation, Chennai. State Commission noticed that the complaint was signed only by the widow and N. Chandrasekaran also signed the complaint as a Counsel for the complainant. A vakalat has also been filed in the name of S. Natarajan, Advocate and N. Chandrasekaran as Counsel for the complainant. It appears at a later stage on 14 February 2002, N. Chandrasekaran suo motu revoked the vakalat in favour of S. Natarajan. N. Chandrasekaran has also filed an authorization letter from the widow to represent her case before the State Commission. This authority was not signed by the widow as the guardian of her minor children. Mother of the deceased did not give any authority in favour of N. Chandrasekaran to represent her case. Deceased Subramanian had breathed his last on 3 May 1998. The complaint was filed within a period of limitation and it came for admission before the State Commission on 14 February 2002, almost four years after the death of Subramanian. State Commission immediately raised a doubt as to whether it was legally permissible for an authorized agent like N. Chandrasekaran to have a right of audience before even the complaint was admitted. State Commission in order to answer this question, issued notices to various Bar Associations and Consumer Associations and also affixed a notice on the Notice

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[54] National Consumer Disputes Redressal Commission, New Delhi, Order on the Revision Petition No. 1017/2012, dated 23 November 2012.

[55] State Consumer Disputes Redressal Council, Chennai, Order on the Consumer Complaint No. 207 /2012, dated 14 February 2002.

Boards of the State Commission and District Forums based in Chennai. State Commission was of the view that Rule-4 subclause (8) of the Tamilnadu Consumer Protection Rules, 1988 could not at all have any legal effect and the said sub-rule must have to be struck down as null and void or must have to be read down in conformity with the statutory provisions of the Consumer Protection Act, 1986. According to the State Commission, the Act itself did not contain any statutory provisions at all empowering the parties to engage an authorized representative on their behalf to represent their case. In this view of the matter the State Commission felt that such an authorized representative of the litigant complainant-consumer not being an Advocate could not at all be given the right of audience though there was no prohibition for the party himself to represent his own case under the Act. After quite marathon discussion expressing its views on some of the questions which we will consider at a later stage, the State Commission did not permit N. Chandrasekaran the right of audience.

During the course of discussion, State Commission referred to the provisions of the Constitution of India, Advocates' Act 1961, Consumer Protection Act, 1986 and the rules framed there under by the Central Government and the Tamil Nadu State Govt., Civil Procedure Code and the Civil Rules of Practice of Madras High Court, Criminal Procedure Code and various Judgements of the High Courts and the Supreme Court. Thereafter, the State Commission had observed as under:- It is crystal clear that the provisions adumbrated under the Act, 1986 enables a voluntary consumer organization registered under the Companies Act, 1956 or under any other law for the time being in force to present a complaint for and on behalf of the aggrieved complainant /consumer in the absence of himself virtually figuring and filing a complaint as a complainant. Authorised agent appear for and on behalf of the complainant or the opposite party in their absence before the Forum on the hearing dates. The authorized agent either for the complainant or for the opposite party is not at all empowered to make a representation for and on behalf of the party he is appearing for. His appearance before the hearing date is actually to dispense with the presence of the complainant or the opposite party on the date of hearing and nothing further. As such, the statutory provisions adumbrated under the Act, 1986 does not give the right of audience either to

the voluntary organizations registered under the provisions of the Companies Act, 1956 or any other law for the time being in force or in favour of the authorized agents either for the complainant or for the opposite party. It appears that the salient provisions in the Act, 1986 had been adumbrated in rather a bid to avoid an order being passed, dismissing the complaint for the default of the complainant or an order being passed exparte on merits or for the avoidance of the technical objection of locus-standi that may emerge for the complaint to be filed by such associations instead of by the aggrieved party/complainant/consumer and nothing further.[56]

This raised a substantial issue of law which, as stated earlier, had far reaching effect. It appeared, prima facie, the State Commission had acted in exercise of its jurisdiction illegally and/or with material irregularity. The National Consumer Disputes Redressal Commission in exercise of our jurisdiction under clause (b) of Section 21 of the Consumer Protection Act, 1986 called for the records of the State Commission limited to the aforesaid questions while, at the same time, allowing the complaint pending before the State Commission to proceed as per the directions issued by the State Commission.[57]

Various pronouncements of the Supreme Court and of the High Courts on Order – III of Code of Civil Procedure were taken into consideration. It was observed that under the general prevailing law no authorized agent could claim to possess a right of audience in the Court of Law unless specific permission of the Court was obtained and that the word 'appear' in Order III does not include right of audience before a Court. But then the objects of the Act and various pronouncements of the Supreme Court rather showed that authorized representative can certainly have a right of audience and his right is not merely confined to appearance before a Consumer Forum. The Division Bench judgment of the Bombay High Court in the case of Sanjay R. Kothari & Anr. Vs.

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[56] Ibid.
[57] National Consumer Disputes Redressal Commission, New Delhi, Order on the Revision Petition No. 1017/2012, dated 23 November 2012.

the South Mumbai Consumer Disputes Redressal Forum was referred and as it laid a correct law.

It had concluded that a party to the proceeding before the District Forum/State Commission has right to authorize a person of his choice to represent him and appearance of such agent authorized by the party on the date of hearing before District Forum/State Commission is not restricted to physical appearance but includes in terms of Rule 4(7) 4(8) or 9(6) of Rules of 2000 to examine and cross examine the witness, address the court and take part in the proceedings as the case may be. Any other view may defeat the very objectives for which Act of 1986 was enacted.

This judgment of the Bombay High Court was also quoted in extenso to show that the impugned order of the Tamil Nadu State Commission was not correct. The impugned judgment of the learned State Commission was also noticed in the judgment of the Bombay High Court. The right to appear, therefore includes right of addressing the Court, examining, cross-examining witnesses, oral submissions etc. Once the complaint is filed by aggrieved consumer through recognized consumer association, the authorized agent appearing for such recognized consumer association is expected to take the complaint to logical conclusion by full participation in the complaint proceedings which may include addressing the Forum, examining and cross-examining the witnesses etc.

In view of this, National Consumer Disputes Redressal Commission had no hesitation in giving wider and comprehensive meaning to the expression ‘to appear’ appearing in Rule 4(7) and 8(7) of the Rules of 2000 to include addressing the Court, examining and cross-examining witnesses etc.[58] Moreover National Consumer Disputes Redressal Commission was of the view in the light of statutory provisions like section 2(1)(b)(ii) and section 12 of the Act of 1986 and Rule 4(7) and 8(7) of Rules of 2000 the right of audience inheres in favour of authorized agents of the parties to the proceedings before District Consumer Forum and State Commission and such right is not inconsistent or in conflict with the provisions of Advocates Act.

[58] Ibid.

It was a well settled position of law that the right conferred on advocates under the provisions of the Advocates Act is a statutory right and not a fundamental right guaranteed under the Constitution. A person who is not an advocate cannot practice law. Any person other than party to the proceedings or advocate cannot claim right of audience before the Court, tribunal or authority until it is provided by law or such person is specifically permitted by such court, tribunal or authority. This is in sum and substance is the scheme of Sections 29, 32 and 33 of the Advocates Act, 1961 and Section 14 of Bar Councils Act, 1926 which is still operating as Chapter IV of Advocates Act, 1961 has not fully come in operation and Section 14 of Bar Council's Act, 1986 cannot be said to have been repealed.[59]

It may also be noticed that the 'agent' as defined in the Central Consumer Protection Rules, 1987 means 'a person duly authorized by a party to present any complaint, appeal or reply on its behalf before the National Commission' and this definition of 'agent' is same as in the Rules of Tamil Nadu and Maharashtra. It may also be noticed that when definitions are given in any Act/Rules these always start with the words 'unless the context otherwise requires'.

When the Act specifically refers to certain provisions of the Code of Civil Procedure as applicable to proceedings before a Consumer Forum it is not the requirement of law to refer to other provisions of the Code. Some of the provisions of the Code may be made use of on the ground of justice, fair play, equity and good conscience. Even then those provisions can be modified to suit the procedure for deciding a consumer dispute before a Consumer Forum. In this view of the matter it was not at all necessary for the State Commission to refer to Order III of the Code which contains provisions for recognized agents and pleaders for their appearance before a court of law. There cannot be any distinction before a Consumer Forum for an authorized agent for appearing or acting before a Consumer Forum. Authorized agent and voluntary consumer organization as defined in the Act have certainly right of audience before the Consumer Forum and that right cannot be taken away by referring to the provisions of the Code which have no application. Act itself is a departure from the

[59] Government of India, *The Advocates Act 1961*, Sharma Law Company, Delhi, 2001. p.4.

ordinary procedure prescribed in the Code. The shackles of a procedure which is too technical in civil jurisprudence need to be broken.

S. Pushpavanam, Secretary, Consumer Protection Council, Tiruchirappali , in his written submissions pointed out the difficulties which a consumer might face in engaging a lawyer.[60] He said anyone who tried to get the service of free legal aid would know how cumbersome it was and how unhelpful were the lawyers. He said one could not expect professionals like lawyers to function like service-minded NGOs. He also submitted that the question posed in the impugned order of the Tamil Nadu.

Written submissions were also filed by Consumer Co-ordination Council, New Delhi, Consumer Protection Council, Rourkela through its Secretary, B. Vaidyanathan, SMN Consumer Protection Council, though its Secretary V.Y. Yegnaraman, Federation of Consumer Organization , Orissa through its President K.N. Jena, Common Cause, through H.D. Shourie, Director, Consumer Welfare Foundation, Chennai through its Secretary N. Chandrasekaran , World of Mothers through K. Acharya, Member Secretary, Mumbai Grahak Pachayat through Shirish V. Deshpande and Consumer Education and Research Centre (CERC). They all speak with one voice that the order of the State Commissions is not correct. It was submitted by H.D. Shourie that a representative of recognized Consumer Organization could not only file a complaint but could also continue to appear before the Consumer Forum and pursue the case on behalf of the consumer. CERC said that the impugned order was retrograde step for the consumer movement and that the impugned order is opposed to the legislative intent as set out in the Act and against the judicial pronouncements giving meaning to the objectives of the Act.

Keeping in mind that the composition of consumer courts that it includes not only judicial members but also non-judicial members from the field of administration and social work this envisages a new approach, which is to be shorn of the shackles of procedural law so that access to justice is easy and simple. In this context, to say, that a

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[60] Written petition submitted by S. Pushpavanam, Secretary, Consumer Protection Council, Tiruchirappali, dated 15 November 2003.

consumer association cannot plead the case of the consumer or an association cannot appear before a consumer court will be to defeat the purposes of the Act itself.[61] Therefore Recognized Consumer associations should have the right of audience before the fora under the Act. To the extent aforesaid impugned order of the Tamil Nadu State Consumer Disputes Redressal Commission was modified.

The establishment of State Consumer Helpline and the Consumer Advice Centre (CAC) was another major activity in the promotion of consumer protection. The State Consumer Helpline (SCH) was formally inaugurated on 2 November 2009 as an alternate consumer dispute redressal mechanism to cater to consumers in rural and backward areas. State Consumer helpline is provided with recurring grant for five years from the date of establishment and concerned State Government will run state consumer helpline from sixth year. Based on instructions of Government of India, State Government has established State Consumer Helpline, an alternate consumer disputes redressal mechanism. For this purpose GOI have provided grant-in-aid of Rs. 38,96,616/- for the first year. Government of India, sanctioned a grant-in-aid of Rs. 22,71,616/- to the State of Tamil Nadu as second year instalment for running the State Consumer Helpline as an alternate consumer disputes redressal mechanism.[62] Action is being taken for utilization of sanctioned grant during financial year 2011-12. Tamil Nadu State Consumer Helpline was inaugurated on second November, 2009 and functioning in the Office of Commissioner of Civil Supplies and Consumer Protection, Ezhilagam, IV Floor, Chepauk, Chennai – 600 005. Consumer can make complaints / seek clarification about PDS and consumer related issues other than PDS in Tamil, English and in Hindi. Trained four call centre operators and one Manager are handling consumer complaints and providing proper counseling to the needy consumers. From 2 November 2009 till 31 March 2010, 25170 calls were received of which 13315 were IVRS calls.[63] Out of 11855 attended calls, 1749 were disposed off immediately as they were related to queries or advise. 10106 calls were treated as complaint calls for follow up and 7916 have been

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[61] National Consumer Disputes Redressal Commission, New Delhi, Order on the Revision Petition No.75/ 2012, dated 18 September 2012.
[62] Government of India, Ministry of Consumer Affairs, Food and Public Distribution, Department of Consumer Affairs, New Delhi, Order No. O-11011/07/2008-CWF., dated 7 March 2011. pp.1-4.
[63] Annual Report 2009-2010, TANSSCOPE, Chennai. 2010, p.12.

disposed off successfully so far. Out of the 10106 calls treated as complaint calls, seventy four percent were PDS related, twenty six percent were related to service sector, open market products and other issues. From 1 April 2010 till 31 March 2011, 63637 calls were received of which 33328 were IVRS calls. Out of 30309 attended calls, 8810 were disposed off immediately as they were related to queries or advise. 21499 calls were treated as complaint calls for follow up and 18453 have been disposed off successfully so far. Action is being initiated against 3046 calls remain unresolved. Out of the 21499 calls treated as complaint calls, seventy six percent were PDS related, twenty four percent were related to service sector, products and other issues.

The SCH is functioning under the dynamic leadership of the Commissioner, Civil Supplies & Consumer Protection, at fourth floor, Ezhilagam, Chepauk, Chennai 600 005 and has jurisdiction over entire state of Tamil Nadu. Funded by Govt. of India, this new venture is run by TANSSCOPE.[64] The SCH software is developed and maintained by HCL Infosystems Ltd. The SCH receives consumer's grievances through phone with IVRS facility, email, online, postal / courier and also in person with a unique integration plan. Consumers can submit their complaints on PDS, Products, and Services. Many grievances have been redressed due to the intervention of SCH in the areas of Products, Services and PDS. SCH has made creditable performance and earned appreciations of the consumers. SCH aims to be at the top of all Consumer Help lines and an icon among other such organizations.

The mission of the State Consumer Helpline was to empower and create an awareness about the rights of the consumers as envisaged in the Consumer Protection Act, 1986 and protect the consumer rights against deficiency in services by the service providers or defective products and deficiency by the seller/manufacturer, any Unfair Trade Practices, and other information. And the vision to enable the people of Tamilnadu to be awakened, empowered, responsible and smart consumers and socially and legally responsible manufacturers / service providers rendering trade / commerce with morality. Major activity of this is to minimize complaints before DCDRF through Alternate Disputes Redressal System Mechanism adopted by State Consumer Help Line. In this

[64] Ibid.

connection the services such as resolving Consumer Complaints through alternate disputes redressal mechanism, pre purchase and post purchase advices on goods or services, advices towards filing of complaints before DCDRF / SCDRC, dealing with complaints and providing information towards Public Distribution System in Tamil Nadu are provided by the State Consumer Helpline.

The following is the methodology adopted by State Consumer Helpline. Complaints are analyzed first and returned back to complainant if consumer is found to have produced insufficient documents such as non receipt of purchase bill, non availability of warranty conditions. Etc. Then complaints are forwarded to concerned Service Provider / Manufacturer / Supplier for redressal within a time frame. It also undertakes follow-ups with reminders. If complaint is redressed, reply received will be forwarded to consumer. If a complaint is not resolved or no reply received, the consumer will be intimated with details of action taken by State Consumer Help Line with information and directing to file complaint before DCDRF under CPA 1986.

The following are the different categories of grievances handled in State Consumer Helpline.[65] The first category of grievances is about the Public Distribution System. SCH is receiving and resolving complaints like delay and difficulties in getting new family cards, endorsement like address change, addition, deletion, verifications, against the functioning of shop, against shop keeper like under weight and measurements, non issue of eligible quantity and quality of the commodities, correct price, poor service / malpractices in shops / offices of C.S. [66] The second category is about problems in purchase of some products. Issues that arise here are like deficiency in after sale services, defect in products, refusal by seller/manufacturer to repair / service / replace the products carrying warranty, overpricing, adulteration in food items, malpractices, Unfair Trade Practices, misleading advertisements, information on standardization, expired commodities and unethical trading, and selling of substandard agricultural inputs, drugs, etc are dealt with under this category. The third category of problems are about lack of services such as deficiency in service by the Service providers like Transport, Airlines,

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[65] *Ibid*., pp.25-26.
[66] *The Times of India,* PDS Woes Top Consumer Complaint, dated 9 August 2010.

Railways, Banks, Insurance, Real Estate, Telecom, Healthcare, EB TWAD Board, LPG / Petroleum companies etc.

In case of PDS complaints, when a call is attended the integrated system automatically generates three SMS: the first one to the Taluk Supply Officer / Asst. Commissioner, Civil Supplies, the second one to the District Consumer Protection Officer / Deputy Commissioner Civil Supplies and the third one to the complainant with the details of the docket no and a message. Simultaneously the system generates three e-mails to the said three to settle the grievance within the stipulated timeframe and concerned officers are intimated through phone also to look into the grievances and do the needful for redressal. Once SCH receives the grievances, the Consumer is advised and provided with the contact Numbers and details of the Officer concerned and forwards the complaint to the concerned redressal officer. When a consumer mails a complaint, SCH forwards the complaint to the concerned Customer Care Department /Nodal Officer of the concerned manufacturer / service provider with a covering letter for an amicable redressal. If there is no response within the stipulated period then SCH sends reminders and if there is no response for the final reminder also, then SCH recommends the consumer to file a complaint in before DCDRF depending on the merit of the case and provides necessary legal guidance. By the intervention of SCH, most of the issues have been resolved amicably.

Establishment of Consumer Advice Centre (CAC) is the second major activity.[67] Department of Consumer Affairs, Government of India had entered into Bilateral Agreement with Government of Germany for implementing a project titled Strengthening Consumer Protection in India. Gessellschaft fur Technische Zusammenarbelt (GTZ), a German Agency for Technical Co-operation, is the implementing agency on behalf of German Government and Government of India. A project involving study of various issues through National & International experts on matters relating to effective consumer protection in India has been taken up and States of Rajasthan, Gujarat and Andhra Pradesh were chosen for pilot activities. The first phase of the project came to an end on 31 December 2008. The second phase period started from 1 April 2009, involving

[67] Tamilnadu Government , Policy Note on Food and Consumer Protection 2012-2013, Chennai, pp.5-6.

greater focus on vast areas of consumer protection by taking into account the activism in consumer protection field and keeping the coverage of various regions of India. The Staff of CAC are deputed for outdoor campaigns in areas / market places where people gather in large numbers. During the period from May 2010 to March 2011, 5350 consumers have contacted CAC and necessary advices / suggestions to resolve their problems were given. Further CAC team has also made visits at public places to propagate consumer awareness messages. Civil Supplies and Consumer Protection Department, Govt. of Tamil Nadu has been serving the society effectively in the area of Consumer Awareness & Protection. As an ingredient of this service, Consumer Advice Centre has been established in April 2010, a pilot project with German Technical Co-operation – GTZ, under TANSSCOPE at the premises of Civil Supplies and Consumer Protection Department with the intention of giving pre – purchase and post purchase counseling to the society, consecutively to Consumers.

With the objective of giving minimum 300 counselings per month, Consumer Advice Centre conducts awareness campaigns at places where public flow is more. Consumer Advice Centre disseminates consumer awareness information verbally besides through hand bills designed by Civil Supplies and Consumer Protection Department, Govt. of Tamil Nadu. Furthermore Consumer Advice Centre campaigns with primary stakeholders like State Designated Authority, Citizen Consumer Clubs-CCC, Voluntary Consumer Organization-VCO, Self Help Groups – SHG, Residential Welfare Association and Exnora organizations.

The German Technical Cooperation (GTZ/GIZ)[68] is providing technical support to the Department of Consumer Affairs (DoCA), Ministry of Consumer Affairs, Food and Public Distribution, Under the project "Consumer Protection and Sustainable Consumption in India" as a part of the Advisory Services in Environmental Management Programme of the Indo German Bilateral Programme. Establishment of Consumer Advice Centres (CAC) at the five States of India namely TamilNadu, Madhya Pradesh, Gujarat, Orissa and West Bengal is one of the activities identified under the project which will provide Consumers information. The CAC is functioning in close collaboration

[68] *Ibid*., p.8.

with the SCH and share resources as effectively as possible. This way both approaches, providing advice over the telephone and providing pre/post purchase advice to consumers could be compared and evaluated to draw conclusions for the future of a coordinated consumer advice giving system in India. In TamilNadu, Consumer Advice Centre-CAC has been established at the premise of Civil Supplies and Consumer Protection Department where the State Consumer Help line also operates. This facilitates both the SCH and CAC to share database and to harvest quality outcome. The Consumer Advice Centre was thus established during April 2010 with one Project Manager and three Advisors.[69]

The consumer advice centre aims to enable the Indian system of consumer protection to safeguard consumer interest in a more effective and efficient manner, to give consumers pertaining to pre/post purchase information on what to look out for when searching for specific products, on sustainable shopping choices, on how to avoid scams and inform about their rights as consumers, to provide advice for those whose rights have been violated due to unfair trade practices or other means guidance for reimbursement and redress mechanisms as well as inform about legal avenues to enforce consumer laws and to inform consumers about their rights, thus slowly strengthen the demand side and ensuring a higher standard of service and quality from the suppliers/retailers. It also plans to regularly go out into the community and offer its services at public spaces and markets with the help of information Education Communication materials and to organize and carryout awareness campaigns using various media like street theatres, public events, DVDs, signposts, community radio, regional TV etc. It also provides assistant and advice on “next steps” – complaints, redress, lawsuits etc. incase threes rights have been violated through unfair trade practices, scams, deceit, or other measures.

To conclude, three prominent developments in the arena of consumer protection in Tirunelveli district are observed. These are increased amount of business self regulation, growth and development of social action litigation vis-à-vis consumer

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[69] Tamilnadu Government , Policy Note on Food and Consumer Protection 2012-2013, Chennai, 2012, pp.6-7.

protection and emergence of environmental litigation before Tirunelveli district consumer forum. The increasing ambit and amplitude of the Consumer Protection act, 1986 had compelled the public as well as the private sector to regulate itself in the interests of consumers. The impact is accordingly visible in case of banks, insurance sector, railways, roadways, airlines, education, and telecommunications. On the other hand self regulation by the private sector has primarily been reflected in their business norms and codes of ethics. Consumers find that once they get ready to make complaints about any problem with sales, the article is replaced although it is mentioned that goods one sold will not be taken back. A sense of fright had come now. The manufacturers do want to earn a bad name for their products. The moment a complaint is filed before a state commission , they offer to replace the article. Thus there is now a greater demand for accountability on the part of both public as well as the private sector. A significant number of decisions by the consumer forums against the corporate sector had brought home the message that consumers were not going to tolerate the unethical practices and irresponsible behavior of the public or private corporate sector any more.

It is also found that the range of the consumer Protection act is widening in the society which is fast moving towards globalization, industrialization and privatization. So the Legislature had taken all the possible steps by making timely amendments to the Act in accordance with the needs of the hour. In fact all the amendments made to the Consumer Protection Act by the 2002 Amendments aim at furthering the competence of the Act and doing away with bureaucratic delays which render the consumers disheartened and dissatisfied. These Amendments had been fertile in providing fortification to the consumers in the real sense of the tern and served the purpose of the Act. Moreover these Amendments aimed at even more efficiency and rendered the position of the consumers much stronger in this era of globalization and privatization where the sudden unchecked advent of multinational companies had to be balanced with the protection of the rights of the consumers by the legislature and the judiciary.

CONCLUSION

Consumer movement is an organized means of protection of interests and rights of consumers. It aims at the protection of consumers from unscrupulous and unethical malpractices by the business environment such as overcharging, black marketing, misleading advertisements etc and to provide a just and speedy redressal of their grievances. Consumers were facing these types of problems even during the ancient period. And that is why ancient Christian religious books such as the Book of Leviticus and the first book of Kings and the Talmud, the religious book of Jews speak about the gravity of the misconduct in using false measures.

Manu Smriti, the most authoritative text of Dharmas in India, said that one commodity mixed with another must not be sold as pure, nor a bad one as good, not less than the proper quantity or weight nor anything that is at hand or that is concealed. Kautilya observed that the superintendent of standardization should cause factories to be established for the manufacture of standard weights and measures and the stamping of the weights and measures to be made every four months. The penalty for unstamped weights was twenty seven *panas* and a quarter. It is also found that measures of standardization existed in the Indus Valley Civilization which dates back to 3200 B.C. The civilization is noted for its cities built of bricks of same size, roadside drainage system, and multistoried houses where the process of standardization in the making of bricks of same length, breadth and height is observed.

The beginning of consumer movement during the British rule is observed with the formation of the Passengers and Traffic Relief Association and the Women Graduates Union, Bombay in 1915. The laws passed during the British regime concerning consumer interests were the Indian Contract Act of 1872, the Sale of Goods Act of 1930, the Indian Penal Code of 1860, the Drugs and Cosmetics Act of 1940, the Usurious Loans Act of 1918, and the Agriculture Products (Grading and Marketing) Act of 1937. However, the Sale of Goods Act of 1930 [SGA] was the exclusive source of consumer protection in India.

The various Consumer protection legislation enacted after India's independence include the Essential Commodities Act of 1955, the Prevention of Food Adulteration Act of 1954 and the Standard of Weights and Measures Act of 1976. Industries (Development and Regulation)

Act, 1951, The Standards of Weights and Measures Act, 1956, Monopolies and Restrictive Trade Practices Act, 1969, Prevention of Black-marketing and Maintenance of Essential Supplies Act, 1980 and Bureau of Indian Standards Act, 1986. Indian National leaders like Gandhi, Vinoba Bhave, Jayaprakash Narayanan, V.V.Giri and Lal Bahadur Shastri, expected the business community to regulate itself as an expression of responsibility to contribute to society. The consumer Protection Act 1986 was enacted for the protection of the interests of the consumers by providing cheap, speedy and efficacious remedy for the redressal of the grievances of the poor consumers. It is found that India enacted this Act , after the adoption of the UN guidelines as a mile stone in the history of socio-economic legislation in India and only then the Consumer movement in India received a boost. Under this Act a three tier quasi judicial machinery the Apex National Forum at Delhi, a State Commission at each state and the District Forums at each district headquarters have been established.

With the building up of the consumer movements in different parts of India, there were also some policy changes. Earlier the ruling of the Supreme Court was that consumer Protection Act will apply only when consumer pays for the goods and services; the consumer is not charged in the Government Hospitals and therefore services by government hospitals will not come under the purview of the Act. But according to the judgement of the Supreme Court in the case of Indian Medical Association vs V.P.Shantha and others, services rendered by Medical Practitioners in Government Hospitals was also covered by the expression ‘service’.

Consumer protection in Tamilnadu seemed to have emerged from the Sangam era. Silappathikaram speaks about Manu Neethi Cholan, who reigned the Chola country from Thiriuvarur, for having implemented a novel system of notifying any grievance directly to the king, by ringing a bell kept in front of his palace. Even a cow could express its *grievance. Pattinappaalai* while telling the story of the hero who has to travel away from Puhar Port in order to earn his livelihood, gives an idealized description of the merchants plying their fair trade in Puhar.

The formation of voluntary consumer organization in Tamilnadu plays vital role in creating consumer awareness. CONFET has been registered in 1991 under the Societies Registration Act 1975. It focuses on creating awareness amongst all classes of consumers about

their rights & duties and to empower the consumers. CONFET is imparting training to consumer activists, lead organizations, Panchayat leaders, NGOs, Government Officials and the Women SHGs. The Consumer Protection Council in Tiruchi is one the oldest one in India as well as in Tamilnadu . It was established in the year 1974, after the consumer councils of Bombay and Calcutta. It has under taken several consumer issues and faced them successfully. Various programmes such as consumer awareness programme, seminar on Gold – Concerns of Consumer, consumer awareness programmes to electricity consumers, school and college students, conferences on environmental issues, organizing consumer awareness rallies and conducting quiz competitions. Voluntary consumer organizations VCOs offer substantial support to Government to the cause of consumer welfare and checking rights violations. Currently, there are 112 general purpose VCOs that are registered with the Civil Supplies and Consumer Protection department.

The consumer associations in Tirunelveli district have provided collective resistance against all kinds of consumer related issues. In Tirunelveli District there are five registered consumer associations who play an important active role in consumer protection along with a number of associated volunteer groups spread throughout the District. The main function of consumer associations are to educate and protect the consumers.

Consumer education is a process that equips people to function as responsible consumers in a complex, technological society. Tirunelveli district was known as the Oxford of South India during the British rule with increased number of educational institutions. But consumer education in schools and colleges in Tirunelveli district is a recent phenomenon. They were only started in the year 2005 and 2007. It is important to note that only a few schools and colleges have consumer clubs. These clubs aim at educating children about rights of the consumers by conducting seminars, conferences, consumer-fest, competitions, publishing articles on consumer issues, etc., and by celebrating National Consumer Day on every 24th December and World Consumer Rights Day on every 15th March. They could play a more significant role interms of promoting consumer awareness among themselves and among the public at large. The citizen consumer clubs have to be formed in all schools and colleges. Women account for almost of all domestic purchases including health care and sustain their family as a homemaker. But it is reported that women consumers showed low level of awareness about consumer rights

because of lack of education and low socio-economic status. The upper class of women are least bothered about consumer issues.

Promoting awareness through dissemination of information about how consumers are affected is the fundamental task that the media can make towards the development of consumerism. Media has played a vital role in welfare of consumers through books, magazines, newspaper , broadcasting , radio , telephone , TV, movies , documentaries etc. Tirunelveli has an all India Radio Station which is broadcasting number of programmes. It is expected that in All India Radio should offer a programme like the one that caters to farmers. In Tirunelveli, many different leading Tamil newspapers are printed and published. The news papers could allot some space to speak about consumer problems and achievements. Only then the awareness level of the people at large will increase.

Consumer protection has been identified as a significant factor by the schools and universities. The Central Board of Secondary Education has highlighted the guiding points of consumer protection and Indira Gandhi National Open University (IGNOU) has introduced a special course for both under graduate and post graduate students. Seminars, conferences, workshops, consumer festivals, research/evaluation studies are encouraged by various grants and the results are being published in the form of books, monographs and pamphlets on consumer education and awareness. The Indian Institute of Public Administration (IIPA), New Delhi, has been identified as the nodal organization to administer this scheme.

In recent times, the Government of Tamilnadu took initiative and Tamil Nadu State Society for Consumer Protection and Empowerment (TANSSCOPE) has been formed in 2009 for undertaking Consumer Protection and awareness generation activities in a larger scale and for raising funds from State Government, National and International agencies. Tamilnadu Government had inaugurated a new scheme entitled State Consumer Helpline in 2009 as an alternate consumer dispute redressal mechanism to cater to consumers in rural and backward areas. Consumer Advice Centre has been established in April 2010 as a pilot project with German Technical Co-operation under TANSSCOPE. In Tamil Nadu, during 2005-2006, Citizen Consumer Clubs were established in 500 schools under Phase-I program. An additional 500 consumer clubs had been established during 2007-2008 in Phase II. The Scheme of Citizen

Consumer Clubs (CCC) is another huge project and its implementation and sustenance mainly depends on active participation of teachers of schools/colleges who are nominated as co-ordinators of CCC with Programmes such as Orientation-cum-training program, consumer festival, out reach camps, distribution of booklets and pamphlets, State CP awards to CCC. Tamilnadu Government has constituted a corpus fund called Tamil Nadu State Consumer Welfare Fund and accorded sanction for a sum of Rupees fifty lakhs as Seed Money for implementation consumer welfare schemes.

Consumer Protection Act 1986, Section 2(1) (0) defines service as 'service of any description which is made available to potential users' in connection with banking, financing, Insurance, etc. Other than these consumers avail the services of different government departments such as electricity, telephone, public distribution system(PDS), liquefied petroleum gas (LPG) and Ulavar Shanthai. The government also regulates the services provided to consumers by private sector with regard to safety of food articles, the implementation of Maximum Retail Price (MRP) and the fare of private auto services. All these services could be categorized under the term public utility services. The consumers and consumer organizations in Tirunelveli district have utilized the inbuilt redressal mechanisms for their protection with regard to public utility services to some extent. Yet there is a need for a more effective, participative, interactive and expeditious complaint interface between the service providers and consumers and consumer organizations.

Standardization of products is an important measure taken by the government to protect the consumers from lack of quality and varying standards of goods. In India these standards are achieved through the Bureau of Indian Standards which is earlier known as the Indian Standard Institution. It has the responsibility of laying down the standards for industrial and consumer goods on a scientific basis and certifying the goods that meet the prescribed quality and standards For the purpose of standardization of Industrial and consumer goods , the Central government has established the Bureau of Indian Standards (BIS). It is the national Standards Body of India working under the aegis of Ministry of Consumer Affairs, Food & Public Distribution, Government of India. It was established by the Bureau of Indian Standards Act, 1986 which came into effect on 23 December 1986. BIS certifies the goods that meet the standards and prescribed quality of ISI. The government undertakes regular and surprise

inspections. Testing of samples is done for conformity of licensee's performance. A consumer can also complain to the BIS office if the certified product is not up to the mark.

In this context in Tirunelveli District bottled water and water packets have been steadily growing over the past three decades The standards for bottled water are subject to mandatory certification under the Prevention of Food Adulteration Act, the law enforced by the Health Ministry in India. Rapidly increasing urbanization and industrialization activities along the banks of the river Tamirabarani in Tirunelveli District and adjoining areas have adversely influenced the quality of the water resource. Tamirabarani is the main receptor of domestic and industrial sewage discharges which consist of untreated or semi-treated effluent and solid wastes. These increase the pollution incidence throughout the basin area. Such environmental concerns are raised in the consumer awareness programmes of many different groups. The Tamirabharani Conservation Movement, a voluntary organization has been formed to protect river from domestic and industrial pollution. It is yet to come out with a concrete plan of action.

Creation of Agmark for standardisation of agricultural products has been done. This Agmark is implemented under the Agricultural Produce Act 1937. This also aims at increasing the quality of the goods and reducing the problems with regard to the supply of goods. There is an Agmark office at Palayamkottai, Tirunelveli. People in Tirunelveli district seem to aware of the markings of Agmark on the goods they purchase.

Creation of Hall mark is an important step in standardization with regard to the sale of gold ornaments in Tamilnadu and particularly in Tirunelveli District. Hallmarking of Gold Jewellery was launched in April 2000 on a voluntary basis. The scheme is operated through BIS network of Regional and Branch Offices all over the country. The scheme aims at providing third party assurance to consumers on the purity of gold or its fineness. Under the scheme jeweler has to obtain Hallmark licence from BIS to get his jewellery hallmarked from a BIS recognized Assaying & Hallmarking Centre.

Recently another phenomenon known as Ecomark is being implemented with a view of maintaining a healthy ecosystem to live in. Any product which is made, used or disposed of in a way that significantly reduces the harm it would otherwise cause to the environment, are categorized as environment friendly product. The scheme is voluntary and invites participation

from common citizens and concerned industrial sectors in the larger interest of environment. From the mid-1980s onwards, plastic bags became common for carrying daily groceries from the store to vehicles and homes throughout the developed world. Plastic bags cause many minor as well as major environmental issues. In recent decades, numerous countries have introduced legislation restricting the sale of plastic bags, in a bid to reduce littering and pollution. The Tirunelveli District Administration has ordered that non-recyclable and non-degradable plastic products should not be used within the corporation limits from January 1, 2010 and the Tirunelveli Municipal Corporation had also decided to impose a ban on the manufacture, sale and use of such products under its jurisdiction. Therefore anti-plastic awareness rallies and raids have been conducted but the outcome in terms of non use of plastics remains yet a dream.

Tamirabarani, the perennial river, is important because of supplying drinking water to the people of Tirunelveli and Tuticorin Districts apart from water supply for irrigation purpose. Several studies had been done about its pollution. In order to prevent the sacred river from becoming another Cooum, the public, voluntary organizations and the students had joined hands in creating awareness and cleaning it. Mining of sand with heavy equipments beyond the permissible level in the points close to the infiltration wells badly affected the quality of water.And so a total ban on sand mining had been enforced in Tamirabarani.

The Competition Act, 2002, as amended by the Competition (Amendment) Act, 2007, follows the philosophy of modern competition laws. The Act prohibits anti-competitive agreements, abuse of dominant position by enterprises and regulates combinations such as acquisition, acquiring of control and Merger and acquisition, which cause or likely to cause an appreciable adverse effect on competition within India. The objectives of the Act are sought to be achieved through the Competition Commission of India (CCI), which has been established by the Central Government with effect from 14 October 2003. Based on a complaint lodged by Builders' Association of India, The Commission had made enquiries and found that the cement companies had not utilized the available capacity so as to reduce supplies and raise prices in times of higher demand. This case is significant because two of the 11 cement companies namely India Cements Ltd and Madras Cement Ltd are located in Tamilnadu and India Cements is located within Tirunelveli District.

Food Safety and Standards Act, 2006, Food Safety and Standards Rules, 2011 and Food Safety and Standards Regulations, 2011 have been formulated to ensure a safe food for

consumers. Of the six laboratories in the State one of the laboratories is located in Samadhanapuram, Palayamkottai. The scope of Food Safety and Standards Act has been extended to marriage halls and caterers also. It is mandatory for every ‘kalyana mandapam’ and those who are engaged in food catering business to register and get proper licence from the food safety wing. At the same time, the cooks employed by catering units should obtain medical fitness certificate to ensure hygiene. It is also reported that even temple prasadam is covered under the Act. At the same time, protests emerge from several quarters against the implementation of the Food Safety and Standards Act. Mushrooming of unlicensed shops and roadside eateries near Bus Stands and markets in different parts of the Tirunelveli district has become a cause for concern as people throng these eateries and consume unhygienic food. However, no samples were sent to the Food analysis laboratory by the Food safety officers as the Food safety is not effectively enforced.

Public Distribution System (PDS) is a poverty alleviation programme and contributes towards the social welfare of the people. Essential commodities like rice, wheat, sugar, kerosene and the like are supplied to the people under the PDS at reasonable prices. PDS is a boon to the people living below the poverty line. PDS is the primary social welfare and antipoverty programme of the Government of India. The Government of Tamilnadu is implementing PDS since the year 1964. The goal of PDS does not restrict itself with the distribution of rationed articles. Making available adequate quantities of essential articles at all times, in places accessible to all, at prices affordable to all and protection of the weaker section of the population from the vicious spiral of rising prices is the broad spectrum of PDS. The Government of Tamilnadu took all efforts to ensure the availability, accessibility and affordability of essential commodities to the poor. In a bid to provide cheap food for the people of Tamilnadu Chief Minister Jayalalitha announced in the State Assembly on 13 January 2013 that one thousand canteens offering food at a low cost would be opened in Chennai. The scheme has to be extended throughout the state.

Under the Weights and Measures (Packaged Commodities) Rules, all packed goods should carry certain essential information on the contents of the package, such as its weight or volume, the name and address of the manufacturer, the date of manufacture, and in case of food packages, the best before date and, of course, the maximum retail price (MRP). Under the Consumer Goods (Mandatory Printing of Cost of Production and Maximum Retail Price) Act, 2006, certain guidelines has been provided so that the consumer cannot be charged over the

maximum price printed on the goods by the manufacturer. There are avenues such as the labour department and consumer courts to redress consumer grievances with regard to the problem of MRP. Consumers are becoming aware of this and it is found that the officials of the Consumer Protection Department recently conducted raids on private hospitals run by doctors, in Tirunelveli district on complaints that they were selling medicines without proper licence, above the maximum retail price and issuing bills without mentioning the manufacturing date, batch number, expiry date and the MRP. A recent survey by the students of citizen consumer club in Super markets and other shops reveals that the Chinese products, particularly toys and electrical appliances are of substandard quality and they are not having the M.R.P and other information mandated by Weights and Measures (Packaged Commodities) Rules. Consumers are not aware of the fact that these products have to banned on this ground.

The Legal Services Authorities Act, 1987 was enacted to constitute legal services authorities for providing free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice were not denied to any citizen by reason of economic or other disabilities and to organize Lok Adalats to ensure that the operation of the legal system promoted justice on a basis of equal opportunity. The system of Lok Adalat, which is an innovative mechanism for alternate dispute resolution, has proved effective for resolving disputes in a spirit of conciliation outside the courts. The Legal Aid Centre in Tirunelveli had been functioning in a separate building. Subashan Reddy, Chief Justice of the Madras High Court, inaugurated that new building for the Legal Aid Centre of the District Legal Services Authority on 27 February 2004.

In order to meet out the Legal Redressal of Consumer grievances under the Consumer Protection Act 1986, a three tier quasi-judicial machinery namely National Consumer Disputes Redressal Commission, State Consumer Disputes Redressal Commission and District Consumer Disputes Redressal Fora have been established. The District Consumer Disputes Redressal forum at Tirunelveli was opened in the year 1990. Until 1993 the Consumer Court was attached to the Tirunelveli District Sessions Court. A separate court was formed by the G.O. Ms. 641 Co-op and Consumer Protection dated 7 December 1993 and it has been functioning in 4/993 Bell Amorces Colony, Palayamkottai, Tirunelveli. Consumers have filed several cases relating to Defect in goods purchased, Problems of getting information under Right to Information, Misleading and False advertisements, Medical negligence of doctors, defect in financial and other services rendered, Problems in transporting people and issues in claiming insurances, etc.

In order to ensure greater and more effective access to information, it was thought that the Freedom of Information Act, 2002 must be made more progressive, a participatory and meaningful. In view of the significant changes proposed in the existing Act, the government decided to repeal the Freedom of Information Act and in the proposed legislation to provide an effective frame-work for effectuating the right to information. Thus, the Right to Information Act, 2005, which came into force in India in totality with effect from 12 October, 2005 is regarded as a milestone in the history of social legislation to impart information to citizens of India regarding working of the government and its corporations etc. to make them more transparent as a result of which corruption, it not eliminated at all, would be checked to a greater extent. The information sought under Right to Information Act by paying a fee of Rupees ten and failure to furnish information within thirty days is treated as a deficiency in service covered by the Consumer Protection Act. Many consumers and consumer organizations had made use of this facility to establish their right.

The formation of Confonet namely Computerization and Computer Network of Consumer Forums in Country in 2009 aims at improving operational efficiency, co-ordination, accessibility, speed in judicial administration and to set Information Communication Technology (ICT) infrastructure at Consumer Redressal forums all over India. It aims at providing E-Governance, Transparency, Systematizing of working and to achieve time bound delivery of justice to the consumers.

Unfortunately cheating by way of overcharging, black marketing, misleading advertisements, etc has become the common practice of greedy sellers and manufacturers to make unreasonable profits. In this context, it is the duty of the government to confer some rights on consumers to safeguard their interests. Unless and otherwise Consumer Movements are involved in creating consumer awareness, the efforts of the government would be futile. At same time the protection available to consumers should be used as a shield and not as a sword . During the years 2000 – 2010, there was a mushroom growth of voluntary consumer organizations. The Department of Civil Supplies and Consumer Protection , Government of Tamilnadu has taken strenuous efforts to find out the real voluntary consumer organizations and to stream line them. Federation of consumer organizations in Tamilnadu and Pondicherry got split into two in 2008 and the VCOs attached with that federation have begun to quarrel instead of fighting for the cause of consumer protection. On 4 March 2012, there was a meeting at

Tiruchirapalli for the unification of FEDCOT (Federation of Consumer Organisations in Tamilnadu and Pondicherry) and the leaders of the Consumer Movement accepted the unification. The FEDCOT is the umbrella organization of all voluntary consumer organizations in Tamilnadu having 360 members. The voluntary consumer movements have taken up important issues affecting the consumers with the state and the central government. Many amendments were carried out in the Consumer Protection Act 1986. The Food safety Act is yet to be effectively implemented. Various cases had been filed by consumer organizations before Consumer Disputes Redressal Forum at Tirunelveli District, Tamilnadu State and National Commission and the judgements passed had paved way for the better protection to consumers. The consumer movement in Tirunelveli District is a modern movement but consumer jurisprudence, by any stretch of imagination is centuries old. Looking at the slow growth of the consumer movement in Tirunelveli district, it is found that the movement till now has been confined to the middle class citizens in urban centres. It is yet to spread among the masses in rural and semi urban areas. What is seen today is the outcome of an ever growing momentum of consumer concern rooted in the Middle Ages and brought to fruition by merchandising changes wrought by modern technology.

BIBLIOGRAPHY

I. Primary Sources:

A. Governmnent Orders:

Government of India, *The Advocates Act 1961*, Sharma Law Company, Delhi, 2001.

Government of India, Department of Agriculture and Cooperation, Agricultural Produce (Grading and Marking) Act, 1937 (Act No. 1 of 1937) (as amended up to 1986), New Delhi. 1993.

Government of India, Agricultural Product (Grading and Marking) Act, 1937(Act No 1 of 1937) as amended up to 1986, New Delhi, 1986.

Government of India*, The Consumer Protection Act, 1986*, Universal Law Publishing Co.Pvt Ltd, New Delhi, 2005.

Government of India, *Telecom Regulatory Authority of India (TRAI) Act 1997*, Jain Book Agency, Delhi.

Government of India, *The Actuaries Act 2006*, Universal Law Publishing Co., New Delhi, 2011.

Government of India**,** *The Insurance Regulatory and Development Authority Act, 1999*, Universal Law Publishing Co., New Delhi, 2011.

Government of India, *The Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969)*, Universal Law Publishing Co. Pvt. Ltd., New Delhi.

Government of India, Ministry of Petroleum and Natural Gas, G.O.Ms.No.155, Co-operation, Food and Consumer Protection , Dated 20 July 2000.

Government of India, *Consumer Goods (Mandatory Printing of Cost of Production and Maximum Retail Price) Act, 2006,* Universal Law Publishing Co. Pvt. Ltd., New Delhi, 2007.

The Indian Telegraph Act, 1885 (13 of 1885), Universal Law Publishing Co. Pvt. Ltd. New Delhi.

Government of Tamilnadu.G.O.Ms. No 641. Co-op and Consumer Protection , dated 7 December 1993.

Government of Tamilnadu G.O. Ms. No. 142 Co-operation, Food and Consumer Protection (H2) Department , dated 18 June 1999.

Government of India, Food Safety and Standards Act, 2006, Food Safety and Standards Rules, 2011, Food Safety and Standards Regulations, 2011 with Comments & Short Notes, Gazette Notifications, Case Law, Corrigenda, Advisories issued by FSSAI, Commodity & Word Index, International Law book Company, Delhi, 2012.

Government of India, The Bureau of Indian Standards Act, 1986, New Delhi, 1986.

Government of India, Ministry of Consumer Affairs, Food and Public Distribution, Department of Consumer Affairs, New Delhi, Order No:O-11011/07/2008-CWF, dated 7 March 2011.

Government of Tamilnadu, G.O. Ms. No. 70 Cooperation, Food and Consumer Protection (H2) Department, dated 26 February 2004.

Government of Tamilnladu G.O. (Ms.) No. 210, Co-operation, Food and Consumer Protection (H2) Department dated 12 December 2008.

Government of Tamilnadu G.O.(Ms).No.2, Energy (B2) Department, dated 2 January 2012.

Government of Tamilnadu , Policy Note on Food and Consumer Protection 2012-2013, Chennai

B. Reports:

Analysis of the Indian Freedom of Information Act 2002 & Recommendations for Amendments, Commonwealth Human Rights Initiative, New Delhi. 2004

Annual Report 2009 – 2010, Rani Anna College, Tirunelveli, 2010.

Annual Report of Consumer Protection Council in Tiruchirappalli, 2010-2011, Tiruchi , 2010.

Annual Report of CONFET for 2010-2011, Cuddalore, 2011.

Annual Report *2011-2012,* Government Industrial Institute at Pettai, Tirunelveli , dated 22 January 2012.

Annual Report of FEDCOT for the year 2010-2011, Cuddalore, 2011.

Annual Report 2010-2011, Tamilnadu State Society for Consumer Protection & Empowerment, TANSSCOPE, Chennai, 2011.

Annual Reports 1999-2013, The Southern Peoples' Consumer Movement, Panagudi.

Annual Report 2010-2011, TANSSCOPE, Chennai 2011.

Annual Report 2006-2007, Bureau of Indian Standards, New Delhi, 2007.

Annual Report 2012, World Trade Organization, Geneva, 2012.

Evaluation Report of the Tenth Plan Scheme of Hallmarking of Gold Jewellery, Department of Consumer Affairs, New Delhi,2009.

Minutes of the meeting of District Protection Council, Tirunelveli, dated 20 December 2012.

Report of the Inter-Collegiate Awareness Camp on PDS , St Xavier's College, Palayamkottai, 2012.

Report of the Collectorate Tirunelveli on the Voluntary Consumer Organizations, 2011-2012.

Report of the Consumer International- 50 years of the Global Consumer Movement, London, 2010.

Report of the District Consumer Disputes Redressal Forum, Tirunelveli, January 2013.

Report of the Seminar on Rights and Responsibilities of Consumers, FEDCOT, dated 8 June 2010.

Report of the Orientation cum Training for VCOs Dindigul , Gandhigram Rural University, dated 30 November 2010.

Report of the Tirunelveli District Consumer Awareness Movement Submitted to FEDCOT on 25 December 2010.

Report of the Tirunelveli Collectorate on the Consumer clubs of Schools and Colleges ,Tirunelveli, 2012.

Report of the Seminar on Gold- Concerns of Consumers – conducted by Civil Supplies and Consumer Protection Department, Government of Tamil Nadu on 5 July 2008.

Report of the Fourth Annual American Muslim Consumer Conference, *The New face of Muslim Consumers,* New Jersey, 2012.

Report Presented at the LIC Policy Holders' Council Meet, dated 23 March 2013.

Timeline Report on the Activities of Consumer Protection Council, Tiruchirappalli,1974- 2009.

Consultation Paper on the Redressal of Consumer Grievances and Consumer Protection in Telecommunication, Telecom Regulatory Authority of India, New Delhi, 2007.

Report of the Meeting with Representatives from Different Consumer Organizations in Tirunelveli District on 20 December 2011.

Report at the office of the District Supply and Consumer Protection Officer, Tirunelveli, 2012.

Report of the Meeting with a Group of Ten Consumers, Uzhavar Sandhai, Maharaja Nagar, dated 6 June 2011.

Report of CUTS Centre for International Trade, Economics & Environment, *Why was India's Ecomark Scheme Unsuccessful*? Jaipur, 2006.

Report of National Commission for Review of Working of the Constitution, New Delhi, 2012.

C. Court Cases and Judgements:

The Delhi High Court Judgement, Wp(C) Nos. 9528/03 and 13775-14072/2005, dated 5 March 2007.

District Consumer Disputes Redressal Forum, Tirunelveli, Order on Consumer Complaint No. 145 / 1997 , dated 16 May 1998.

District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No. 84/2008, dated 23 January 2006.

District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No. 39/2005, dated 28 March 2006.

District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No. 85/2006, dated 2 August 2008.

District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No.3/2009, dated 12 September 2009.

District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No. 38/2008, dated 23 October 2009.

District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No. 132/2010, dated 23 April 2011.

District Consumer Disputes Redressal Forum, Tirunelveli, Order on Consumer Complaint No. 65/2008, dated 16 May 2011.

District Consumer Disputes Redressel Forum, Tirunelveli, Order on Consumer Complaint No. 105/2010, dated 6 June 2011.

District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No. 142/2010, dated 23 October 2011.

District Consumer Disputes Redressal Forum, Tirunelveli, Order on the consumer complaint No. 156/2011, dated 21 December 2011.

District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No. 23/2011, dated 2 January 2012.

District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No. 60/2011, dated 23 January 2012.

District Consumer Disputes Redressal Forum, Tirunelveli, Order on the consumer complaint No. 60/2012, dated 5 September 2012.

District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No. 28/2012, dated 18 September 2012.

District Consumer Disputes Redressal Forum, Tirunelveli, Order on the Consumer Complaint No.186/2012, dated 17 October 2012.

District Consumer Disputes Redressal Forum, Tirunelveli, Order on the consumer complaint No. 59/2012, dated 28 December 2012.

District Consumer Disputes Redressal Forum Tirunelveli, Order on the Consumer Complaint No. 186/2012, dated 28 March 2013.

Karnataka State Consumer Redressal Commission, T.Pundalika vs Revenue Department (Service Division) Government of Karnataka in R.P. No. 4061/ 2010.

National Consumer Disputes Redressal Commission, New Delhi, Order on Revision Petition No. 2132 of 2007 dated 5 July 2007.

National Consumer Disputes Redressal Commission, New Delhi, Order on the Revision Petition No. 75/2012, dated 18 September 2012.

National Consumer Disputes Redressal Commission, New Delhi, Order on the Revision Petition No. 1017/2012, dated 23 November 2012.

State Consumer Disputes Redressal Council , Chennai, Order on the Consumer Complaint No. 207 /2012, dated 14 February 2002.

State Consumer Disputes Redressal Council, Chennai, Order on the Appeal No. 281/2010, dated 12 January 2012.

Supreme Court of India, Judgement on Writ Petition (civil) No. 210/2012.

D. Letters:

Government of India, letter No 27/10 -98 CPU, dated 21 July 1995.

Government of India, Ministry of Finance, Department of Revenue, Central board of Excise and Customs, *Circular No.3 / 2011-Customs*, dated 6 January 2011.

Letter of the General Secretary, FEDCOT, Cuddalore, Lr. No.744, dated 3 July 1995.

Letter of A.M. Swaminathan, Secretary, Co-operation, Food and Consumer Protection Department, Chennai, dated 10 November 1994.

Letter of the Special Commissioner and Commissioner of Civil Supplies and Consumer Protection, Lr. No. CP/31265, 26 December 1997 and 28 August 1998.

Letter of Lakshmi Pranesh to All Collectors, Secretary, Co-operation, Food and Consumer Protection Department, Chennai, dated 10 December 2001.

Letter of M. Sekaran, President of the Federation to the Secretary Food, Civil Supplies and Consumer Protection, Tamilnadu, dated 3 March 2011.

Letter of the Transport Commissioner of Delhi, No.PS/CT/T/A2002/618, dated 16 December 2002.

Written petition submitted by S. Pushpavanam, Secretary, Consumer Protection Council, Tiruchirappali, dated 15 November 2003.

E. Interviews:

Personal Interview with Murugesan,R., Agricultural Officer, Palayamkottai, dated 10 January 2011.

Personal Interview with Jayaprakash, Proprietor, Aryas Supermarket, Palayamkottai, dated 10 January 2011.

Personal Interview with Fr.Antony Cruz, Tamirabharani Conservation Movement, Tirunelveli, dated 20 January 2011.

Personal Interview with Ganapathy Subramanian, General Secretary, Tirunelveli District Consumer Awareness Movement, dated 28 January 2011.

Personal Interview with Venkatesan, President Puliangudi Consumer Protection Society, dated 29 January 2011.

Personal Interview with G. Venkatachalam , General Secretary, Tirunelveli District Consumer Rights Protection Council, dated 30 January 2011.

Personal Interview with Mohammed Ehiya , President, Melapalayam Consumer Protection Association, dated 30 January 2011.

Personal Interview with Senthil Kumaran , President, Valluvar Environmental Protection and Consume Awareness Trust , dated 31 January 2011.

Personal Interview with C. Vijayan, Joint Secretary, Tirunelveli District Consumer Rights Protection Society, dated 3 February 2011.

Personal Interview with Muthulakshimi, Coordinator, CPC, Saradha College, Tirunelveli, dated 10 February 2011.

Personal Interview with SVL Michael, Coordinator, CPC, St Xavier's College, Palayamkottai, dated 11 February 2011.

Personal Interview with Anbu, J., Coordinator, CPC, Magdalene Matric Higher Secondary School, Palayamkottai, dated 11 February 2011.

Personal Interview with Daniel, Coordinator, CPC St Xavier's College of Education, Palayamkottai, dated 11 February 2011.

Personal Interview with Paulraj Joseph, Former Director of Distance Education, Manonmaniam Sundaranar University, Tirunelveli, dated 13 February 2011.

Personal Interview with Dr Kanchana Suresh, Joint Secretary, Tirunelveli District Consumer Awareness Movement, dated 28 January 2011.

Personal Interview with G.Venkatachalam, Vice President of FEDCOT, dated 30 January 2011.

Personal Interview with Senthil Kumaran , President, Valluvar Environmental Protection and Consume Awareness Trust , dated 31 January 2011.

Personal Interview with Karuppiah, Senior Divisional Manager, Palayamkottai, dated 6 February 2011.

Personal Interview with Chakravarthyraju, Chairman, Club Member, Palayamkottai, 6 February 2011.

Personal Interview with Augustine, B., Vice-President, Tirunelveli District Consumer Rights Protection Society, dated 8 February 2011.

Personal Interview with Santhanarajan, Former Government Analyst, Kings Laboratory, Chennai, dated 15 February 2011.

Personal Interview with Veeramani, District Supply and Consumer Protection Officer, Tirunelveli, dated 17 February 2011.

Personal Interview with Krishnamoorthy.A., Agricultural Officer, Uzhavar Sandhai, Maharaja Nagar, dated 6 June 2011.

Personal Interview with S. Pushpavanam , Secretary, The Consumer Protection Council, Tamilnadu, dated 23 November 2011.

Personal Interview with Bashyam, Chairman , FEDCOT, dated 22 February 2011.

Personal Interview with Rev Fr. Thomas Alexander, Principal, St. Xavier's College of Education, Palayamkottai dated 21 February 2013.

II. Secondary Sources:

A. News Papers:

Businessline, Water Bottlers not Keen on ISI mark, dated 14 March 2001.

Business Today, National Legal Services Authority Provides Free Legal Aid to the Underprivileged, dated 6 January 2013.

Deccan Herald , A Fort Built and Demolished Thrice, dated 10 May 2010.

Dhinakaran, Daily Television Programmes, dated 19 September 2010.

Dhinakaran, 1000 Canteens Offering Food at a Low Cost would be Opened in Chennai, dated 19 February 2013.

Dinamalar, Prosposal to Open Amma Budget Canteens in Seven Places within Tirunelveli Corporation Limits, dated 8 April 2013.

Newswala, TRAI Issues Directions to Telecom Service Providers, dated 3 May 2005.

The Hindu, New Building Opened for Legal Aid Centre, dated 28 February 2004.

The Hindu, Milk Packets Sans Date, Batch Number Seized, dated 18 June 2004.

The Hindu, Prime Minister Addresses Lok Sabha on the Right to Information Bill, dated 11 May 2005.

The Hindu, High Court to be Moved Against Companies Prize Contests, dated 7 October 2005.

The Hindu, Auto Fares Must be Based on Meter Readings, dated 11 June 2006.

The Hindu, Consumer Forum Releases Handbooks, dated 18 December 2006.

The Hindu, Thirst for Bottled Water May Hurt the Environment, dated 19 April 2007.

The Hindu, No Role for Middlemen in Product Selling, dated 20 May 2007.

The Hindu, Shun Genetically Modified Crops dated 6 April 2008.

The Hindu, Sand Mining Banned in Tamirabharani, dated 2 May 2008.

The Hindu, State-wide Raids on Milk Suppliers, dated 23 July 2008.

The Hindu, Ration Card not Required for LPG connection, Refill Supply, dated 13 September 2008.

The Hindu, Workshop on Consumer Protection Held for Officials, dated 19 December 2008.

The Hindu, Kanyakumari to Become Plastic Free District, dated 1 November 2009.

The Hindu, Ban on Non-recyclable Plastic from January 1, dated 6 December 2009.

The Hindu, Anti-plastic rally, dated 19 December 2009.

The Hindu, Reconsider Move to Ban on Plastic Products, dated 28 December 2009.

The Hindu, Council Passes Resolution Ratifying Ban on Plastics, dated 25 February 2010.

The Hindu, Tamil Nadu Electricity Regulatory Commission to Organize Public Hearings, dated 21 March 2010.

The Hindu, World Water Day Observed, dated 23 March 2010.

The Hindu, Grievance Redressal Meet Addresses Complaints on LPG Supply, dated 16 May 2010.

The Hindu, Raids in Hospitals in Tirunelveli, dated 4 June 2010.

The Hindu, Environment Conservation Rally , dated 7 June 2010.

The Hindu, Tiruvarur in Religious History of Tamilnadu , dated 16 July 2010.

The Hindu, Exorbitant Auto Fares: Tamilnadu Told to Spell out Steps, dated 28 September 2010.

The Hindu, Bureaucracy Cool to Consumer Fora, dated 24 December 2010.

The Hindu, Food Microbiology Laboratory Opened, dated 31 January 2011.

The Hindu, Thamirabarani River Belt at Papanasam cleaned, dated 6 February 2011.

The Hindu, Fitting Tribute to VOC, dated 19 February 2011.

The Hindu, State is Empowered to Control LPG Distribution, dated 20 February 2011

The Hindu, Trade Fair Attracts over Seventeen Lakh People, dated 8 March 2011.

The Hindu, Officials Check Milk Quality, dated 26 April 2011.

The Hindu, Ensure Transparency in Distribution, dated 5 May 2011.

The Hindu, Transport Officials Raid on Autorickshaws, dated 12 May 2011.

The Hindu, Linking LPG to Aadhar Card Irrational, dated 22 July 2011.

The Hindu, An Awareness Week on Hallmarking, dated 20 September, 2011.

The Hindu, Health Officials Inspect Eateries for Adulterated Food, dated 30 September 2011.

The Hindu, Hitches Hamper Functioning of Food Safety Officers, dated 20 December 2011.

The Hindu, Traders Protest against Food Safety Act Tomorrow, dated 1 February 2012.

The Hindu, Silver Jubilee Celebrations of Tuticorin District Bifurcation, dated 26 March 2012.

The Hindu, World Environment Day Celebrated in Tirunelveli, dated 6 June 2012.

The Hindu, Police Step in to Conserve Tamirabharani, dated 10 June 2012.

The Hindu, Corporation Gets Tough on Use of Plastic Bags, Cups, dated 14 June 2012.

The Hindu, CCI Finds Eleven Cement Majors Guilty of Price Cartelisation, dated 19 June 2012.

The Hindu, NGO to Launch Awareness Drive on Domestic LPG Rules , dated 8 October 2012.

The Hindu, NCC Cadets Take out Anti-plastic Rally, dated 17 October 2012.

The Hindu, Swadeshi Ship on the Blue Waters of Tuticorin, dated 20 October 2012.

The Hindu, Marriage Halls and Caterers Come under Food safety Act, dated 8 January 2013.

The Hindu, National Consumer Day Celebrated, dated 1 February 2013.

The Hindu, A Large Number of Food Business Units Yet to Register under Food Safety Act, dated 17 January 2013.

The Hindu, Meter Auto Running Out of Drivers, dated 24 March 2013.

The Economic Times, TRAI Releases Charter for TELECOM, dated 24 February 2005.

The Economic Times, Caveat Emptor, dated 23 January 2009.

The Financial Express, ISI Mark for Eight Bottled Water Plants Withdrawn, dated 20 February 2003.

The New Indian Express, High Court Declines to Lift Stay on Sand Mining, dated 28 September 2010.

The New Indian Express, Airtel Most-Complained Against in India, dated 6 June 2011.

The New Indian Express, BIS Hallmarking Awareness Week Begins, dated 6 December 2011.

The New Indian Express, BIS Probes Five Cases of Violations of Indian Standards, dated 18 April 2012.

The New Indian Express, Thamarabarani Turns Sewage Canal, dated 16 July 2012.

The New Indian Express, Judicial Reforms Cannot Ignore Public Perceptions, dated 28 October 2012.

The Times of India, PDS Woes Top Consumer Complaint, dated 9 August 2010.

The Times of India, Unique ID for *TNEB* Consumers, dated 28 January 2011.

The Times of India, Surprise Check at Apni Mandi, dated 21 July 2011.

The Times of India, BIS Launches Programme to Create Awareness about Hallmarking, dated 11November 2011.

The Times of India, Maximum Retail Price Crackdown Nets Rs 10 Lakhs, dated 8 May 2012.

The Times of India, Consumer Forum Fines Trichy Hospital for Negligence, dated 8August 2012.

The Times of India, Manipulation of Price has Now been Stopped in Packaged Commodities, dated 10 November 2012.

The Times of India, Power Cuts to Extend Beyond 2014: TANGEDCO., dated 6 February 2013.

B. Government Publications:

Government of India*, Annual Report 2003-2004 of Planning Commission* , New Delhi,2004.

Government of India, Ministry of Law and Justice (Legislative Department) *Guide to the Right to Information Act 2005*, New Delhi, 2006

Government of India, 2011 Census of India.

Government of India, National Informatics Centre, *Tirunelveli District Profile*, Tirunelveli 2012.

Government of India, Competition Commission of India, File No. 1 (29)/2010-Sectt. dated 23 December 2011.

Government of Tamilnadu, TANSSCOPE, *Consumer Counsellor Reference Book*, Chennai, 2010.

Government of India, Bureau of Indian Standards, *Operating Manual for Product Certification 2004,* New Delhi , 2004.

Government of India, Department of Consumer affairs*, Gold Hallmarking*, New Delhi, 2009.

United Nations, *Guidelines for Consumer Protection (as expanded in 1999),* Geneva, 2001.

C. Books:

Agrawal,K.M., *Kautilya on Crime and Punishment*, Shree Almora Book Depot, Delhi. 1990.

Antony, M.J., *Consumer Rights*, Hind Pocket Books, Delhi, 1990.

Aravindan. K., *Legal Aid and Advice*, Common Wealth Human Rights Initiative, New Delhi, 2010.

Basham, A. L., *The Wonder That Was India: A Survey of the Culture of the Indian Sub-Continent Before The Coming of the Muslims*. Grove Press, New York, 1954.

Caldwell, Robert, *Political and General History of the District of Tinnevelly in the Presidency of Madras, from the earliest period to its cession to the English Government in A.D. 1801,* Government Press,Tinnevelly, *1881.*

Cecilia, S., *Consumer Culture*, Jaico Publishers, New Delhi , 2004.

Chow Hou Wee and Poh Lin Yeoh ,*Consumer Movement in Singapore: Historical Development and Future Perspective,* Association for Consumer Research, Singapore, 1985.

Chaudhary, R.N.P.*, Consumer Protection Law*, Eastern Book Company, Lucknow, 2000.

Christopher. L., *History of Hallmarking in India*, Pearson publishers, New Delhi, 2009.

David Harland, *Global Concerns for Consumers*, United Nations Guidelines for Consumer Protection, 1987.

Dembowsk, *Taking the State to Court - Public Interest Litigation and the Public Sphere in Metropolitan India,* Oxford University Press, 2001.

Devaram. J.,*Evaluation of a Community Based Dairy Project in Tamilnadu*, Himalaya Publishing House , Bangalore, 2002.

Divyam Agarwal*, An introduction to the Legal Services Authorities Act, 1987*, Legal Services, New Delhi, 2000.

Doole, I., & Lowe, R., *International Marketing Strategy*. International Thomson press, London. 1997.

Farooqui, Salma Ahmed. *A Comprehensive History of Medieval India: From Twelfth to Mid-Eighteenth Century*, Pearson Education, New Delhi.2011.

Flood, Gavin, *An Introduction to Hinduism*, Cambridge University Press, Cambridge, 1996.

Ganesan, G., and Sumathy, M., *Consumer Awareness, Welfare and Protection, Problems and Prospects,* Regal Publications, New Delhi, 2012.

Ganesan.G., and Sumathy.M., *Globalisation and Consumerism: Issues and Challenges,* Regal Publications, New Delhi, 2012.

*The Garbage Book: Solid Waste Management in Metro Manila,*The Asian Development Bank, 2004.

Gaur,K.D., *A Text Book on the Indian Penal Code (IPC)*, Jain Book Agency, Delhi,2012.

Gupta. P.K., *History of Insurance Sector in India*, Jain Book Agency, New Delhi, 2006.

Gupta, R.K., and Saini, P.K*., Right to Information Act 2005, Implementation and Challenges*, Deep & Deep Publications Pvt. Ltd., New Delhi, 2009.

Hassan. I., *The Central Structures of the Mughal Empire*, Oxford University Press, London, 1936.

Holy Bible, The Book of Leviticus, Christian Literary Society, Chennai, 2000.

Jacob Neusner, Tzvee Zahavy and Others *,The Talmud : An American Translation*, Scholars Press Atlanta, 1995.

Jai S.Singh, *Competition Law of India*, Jain Book Agency, Delhi, 2005.

Jain, N.K.,*Consumer Protection: Law and Practice*, Deep and Deep Publications (P) Ltd., New Delhi, 2005.

Leelakrishnan.P., *Ban the Plastic Bag : A Community Action Plan* , Eastern Book House , Lucknow, 2005.

Manmatha Nath Mutt, *Dharma Shastras: The Hindu Law Codes*, Chaukhamba Amarabharati Prakashan, 1977.

Mary Ann, *Consumer Protection for Good governance*, Transaction Publishers, New Brunswick, New Jersey, 2000.

Matthew Hilton*, Globalising Consumers: the History of Consumerism as a Socio-Political Movement*, Oxford University Press, 1989.

Meenu Agrawal, *Consumer Behaviour and Consumer Protection in India,* New Century Publication, New Delhi, 2006.

Mishra, S.K. & Puri, V.K., *Indian Economy*, Himalaya Publishers, New Delhi, 2001.

Nakkiran, S., *A Study on the Effectiveness of Public Distribution System In Tamilnadu*, The Planning Commission, Government of India, New Delhi, 2004.

Pate, H.R., *Tinnevelly Gazetteer*,Madras, 1917.

Pera M.Sayub Marai Kaayar, *Pattinappalai*, Gangai Puthaka Nilayam, Chennai, 1995.

Pillai. R.S.N., *The Rural Consumer* , S. Chand & Company, New Delhi, 2005.

Prabakar. D.A., *Nugarvor Rajangam*, Vikatan Publications, Chennai, 2009.

Pylee, M.V. *India's Constitution*. S. Chand & Co., New Delhi, 1997.

Radha Kumud Mookerji, *Chandragupta Maurya and His Times*, Motilal Banarsidass, Delhi, 1988.

Rai, Ajay Shanker, *Gandhian Satyagraha : An Analytical and Critical Approach*, Concept Publishing Company. New Delhi , 2000.

Raj Kumar,M., *Milk and Dairy sector in India*, Deep and Deep Publications, New Delhi, 2004.

Rajni Kothari,(Ed 2004), *Caste in Indian Politics*, Orient Longman Private Limited, Hyderabad, 1970.

Ranjit Kumar, *Research Methodology*, Pearson Education India, New Delhi, 2005.

Richard A Posner (Second Edition) *Anti Trust Law*: University of Chicago Press, 2001.

Richard Worth, *Sherman Antitrust Act*, Marshall Cavendish Corporation, 2011.

Rizvi, S.A.A., *The Wonder That was India*, Sidgwick & Jackson, London, 1987.

Sanjay Kaptan, *Consumer Movement in India: Issues and Problems*, Eastern Book Company, Lucknow, 2004.

Sathianathaier, R. *History of the Nayaks of Madura,* Oxford University Press, 1924.

Sidney & Beatrice Webb, *The Consumers' Co-operative Movement*, Oxford University Press, 1930.

Sieghart, Paul , *The International Law of Human Rights,* Oxford University Press, 1983.

Sim, Foo Gaik , *IOCU on record : a documentary history of the International Organization of Consumers Unions, 1960-1990*. Yonkers, New York,1991.

Singh, Upinder., *A History of Ancient and Early Medieval India: from the Stone Age to the 12th Century*, Pearson Education, New Delhi,2008.

Srinivasa Iyengar, P. T., *History of the Tamils from the Earliest Times to 600 AD*, Asian Educational Society, Madras , 1929.

Srinivasan. L.,*Rivers of western Ghats- Origin of Tamiraparani,* Centre for Ecological Sciences, Bangalore, 2012.

Stuart, P., *Statutes, Bare acts, Rules- LIC* , Eastern Book Company , Lucknow, 17th Ed. 2013.

Thomas. A., (Ed), Wind Power Systems, Tata Mc Graw Hill Publishing Company Limited, New Delhi , 1991.

Velmurugan, M., *History of Consumerism*, Prentice Hall, New Delhi. 2005

Vijayabharathi, S., *Mahakavi Subramania Bharathi*, S. Vijaya Bharathi Publications, 2007.

Vijayalakshimi, B., *Historical Evolution of Consumer Protection and Law in India*, Regal Publications, New Delhi, 2006.

D. Journals:

Bioresearch Bulletin, Impact of Industrial Effluents and Sewage on River Thamirabarani and its concerns, 2010, 1:16-18.

Business Line, Natural Mineral Water vs Packaged Drinking Water, dated 2 June 2007.

Businessline, Water Bottlers not Keen on ISI mark, dated 14 March 2001.

Commercial Law Journal , Consumer Protection in Talmudic Law, Vol. 79, No. 7, July 1974.

Consumers International, Standard Setting for Bottled Water in India, September 2005.

Consumer Protection and Trade Practice Journal, Applicability of Consumer Protection Act to Medical Profession , Vol. 1, No.3, March 1993.

Economic and Political Weekly, Public Distribution of Cereals: An Alternative Model, , Vol.27 (23), June, 1992.

Indian Journal of Environmental Protection, A preliminary Assignment of Water Quality Index to Major Indian Rivers, Vol. 5(4) , 1985.

India Today, Consumer Guidance Society of India Warns about Hazards Caused by Cell phones, Credit cards, dated 10 June 2002.

India Today, UP Seizes Deadly Cocktail Peddled in Delhi as Milk, dated 23 August 2010.

India Today, Competition Commission of India Slaps Rs. 6307 Crore Penalty on Cement cartel, dated 22 June 2012.

International Journal of Pharma Medicine and Biological Sciences, ECOMARK Scheme in India, Vol. 1, No. 2, October 2012.

International Research Journal, Awareness and Utilization of Consumer Rights by Women Consumers Vol. II, 5 November 2008.

International Journal of Business & Management Research, Role of Media in Consumer Protection, Vol. 1 (10), 2011.

International Referred Research Journal, Media's Role in Consumer Protection and Welfare in India, December, 2011.

Journal of Dairying, Foods & H.S. Awareness of Standard Marks, Consumer Rights and Acts ,Vol., 27 (3/4) 2008.

Journal of Global Communication, Uzhavar Santhai in Tamilnadu, Vol. 4, Issue 1,2008.

Journal of Research, Educational Needs of Consumers regarding Consumer Protection Laws, Hissar, Vol.18(3), 1988.

Journal of Services Marketing, Customer Satisfaction with Service Quality in the Life Insurance Industry in India, Vol.V, No.1,March 2007.

India Telecom Monthly Newsletter, Telecom Disputes Settlement Appellate Tribunal (TDSAT) Constituted, October 2000.

NAWCC Bulletin, Swiss Hallmarks on Gold Watchcases, Vol. 47, No. 6, December 2005.